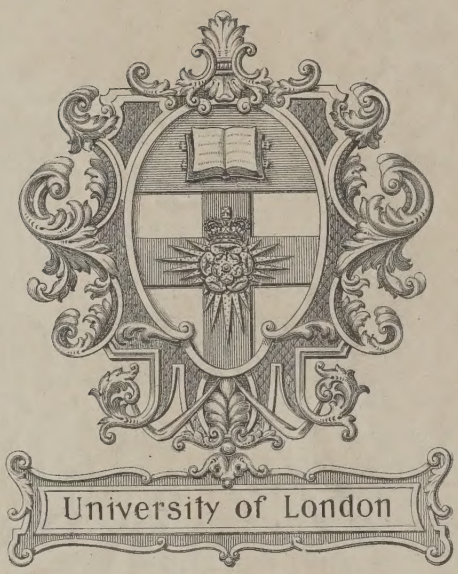
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B I L L S,

PUBLIC:

FOUR VOLUMES.

—*(3.)*—

LAND AND ASSESSED TAXES, &c. (SCOTLAND) ACTS AMENDMENT

TO

PRISONERS REMOVAL.

Session

30 *April* —— 28 *August* 1857.

VOL. III.

1857—Sess. 2.

B I L L S:

1857—Sess. 2.

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THIRD VOLUME.

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A

BILL

TO

Amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland.

WHEREAS Duties on Inhabited Houses were granted by the Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty Victoria, Chapter Thirty-six, and Duties of Assessed Taxes were granted by the Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of Her said Majesty Victoria, Chapter Ninety, and other Acts; and it is provided by the said Acts that all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the Acts respectively then in force in relation to the Duties of Assessed Taxes should, in so far as not superseded by and consistent with the said Acts, be applicable and put in execution in reference to the said Duties: And whereas it is provided by the Act passed in the Session of Parliament held in the Forty-third Year of His late Majesty George the Third, Chapter One hundred and sixty-one, Section Twenty-four, that every Assessment in Scotland of the said Duties shall be paid by half-yearly Instalments on or before the Twenty-ninth Day of September and the Twenty-fifth

Preamble.

43 G. 3. c. 161. s. 24. and 5 & 6 W. 4. c. 64. s. 13. recited as to the Duties on Inhabited Houses, and

of Assessed Taxes, and Land Tax, being payable in Scotland by half-yearly Instalments, and as to the Forfeiture of Treble Duties for Neglect of Payment.

fifth Day of March in every Year; and it is further provided by the said Section of the said Act, that every Person charged to the said Duties shall, in case of his or her not paying the same upon the Day upon which he or she is thereby appointed to pay the same, or within Three Days thereafter, forfeit treble the Value and Extent of the Duties with which he or she stands charged, to be recovered as the said Duties may be recovered: And whereas by the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty William the Fourth, Chapter Sixty-four, Section Thirteen, it is provided that the Land Tax in Scotland shall be recovered, levied, collected, and paid under the same Rules, Regulations, Provisions, and Penalties as the Assessed Taxes in Scotland now are or may hereafter be recovered, levied, collected, and paid: And whereas increased Rates of Duty were granted on Profits arising from Property, Professions, Trades, and Offices by the Acts passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty Victoria, Chapter Twenty-four, and in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her said Majesty Victoria, Chapter Twenty; and it is provided by the said Acts that all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the several Acts in force with respect to the Duties granted by the Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty Victoria, Chapter Thirty-four, should (so far as the same were or might be applicable consistently with the express Provisions of the said Acts) be applied and put in execution in reference to the said increased Rates of Duty: And whereas the Rates of Duty in respect of all Property, Profits, and Gains under and by virtue of the Acts now in force relating to the Income Tax for the Year commencing from the Fifth Day of April One thousand eight hundred and fifty-seven were reduced by the Act passed in the Twentieth Year of the Reign of Her present Majesty Victoria, Chapter Six: And whereas by the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her said Majesty Victoria, Chapter Thirty-five, Section One hundred and seventy-six, it is provided, that in Scotland every Assessment of the said Duties shall be payable by Two half-yearly Instalments, videlicet, on or before the Twentieth Day of September for the first half-yearly Instalment, and on or before the Twentieth Day of March for the last half-yearly Instalment: And whereas in Scotland it has not been found convenient to collect the said Duties and Land Tax by Two half-yearly Instalments, nor has it been the Practice to recover the said Treble Duties: Be it enacted by the Queen's most Excellent Majesty, by and with the

5 & 6 Vict. c. 35. s. 176. recited as to the Property Tax in Scotland being payable by half-yearly Instalments.

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Provisions repealed of 43G.3.c.161. s. 24. and 5 & 6 Vict. c. 35. s. 176.

I. That the said recited Provisions of the Acts passed in the Session of Parliament held in the Forty-third Year of His late Majesty George the Third, Chapter One hundred and sixty-one, Section Twenty-four, and in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her said Majesty Victoria, Chapter Thirty-five, Section One hundred and seventy-six, be repealed, and also all other Provisions in the said Acts, and in any other Acts, in so far as inconsistent with the Provisions herein-after made.

In Scotland the Inhabited House Duty, Assessed Taxes, Land Tax, and Property and Income Tax payable every Year on or before 1st January.

II. And it is hereby provided, That in Scotland the Duties on Inhabited Houses and the Duties of Assessed Taxes assessed for the Year from Twenty-fourth Day of May Eighteen hundred and fifty-seven and ending on the Twenty-fourth Day of May Eighteen hundred and fifty-eight, and the Land Tax for the same Year, and the Duties on Profits arising from Property, Professions, Trades, and Offices assessed for the Year commencing from the Fifth Day of April Eighteen hundred and fifty-seven, shall be payable on or before the *First Day of January in the Year Eighteen hundred and fifty-eight*, and the said Duties and Land Tax in every Assessment for every subsequent Year shall be payable on or before the *First Day of January* in every Year.

Land and Assessed Taxes, &c. (Scotland) Acts Amendment.

A

B I L L

To amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1857.

[Bill 122.]

Under 1 *oz.*

3 *July* 1857. 20 & 21 Vict.

A

BILL

TO

Appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, Chapter Seventy-five: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty, Chapter Thirty-eight: And whereas another Act was passed in the Second and Third Years of His Majesty King William the Fourth, Chapter One hundred and twenty-seven: And whereas another Act was passed in the Third and Fourth Years of the Reign of His said Majesty, Chapter Ninety-five: And whereas another Act was passed in the Sixth and Seventh Years of His said Majesty, Chapter Eighty: And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, Chapter Fifty-seven: And whereas another Act was passed in the Seventh and Eighth Years of Her present Majesty, Chapter Seventy-nine: And whereas another Act was passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Sixty-two: And whereas another Act was passed in the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and eleven: And whereas it is expedient to appoint

Preamble. 7 & 8 G. 4. c. 75. 9 G. 4. c. 38. 2 & 3 W. 4. c. 127. 3 & 4 W. 4. c. 95. 6 & 7 W. 4. c. 80. 1 & 2 Vict. c. 57. 7 & 8 Vict. c. 79. 11 & 12 Vict. c. 62. 16 & 17 Vict. c. 111.

appoint additional Persons to put in execution the several Acts for granting an Aid to Her Majesty by a Land Tax in Great Britain, and several other Acts for continuing or granting to Her Majesty Rates and Taxes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

Appointment of additional Commissioners.

I. The several and respective Persons herein-after named shall and may, and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of Great Britain herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth; (that is to say,)

Land Tax Commissioners Names.

A

BILL

To appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

(Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed*, 3 *July* 1857.

[Bill 103.]

Under 1 *oz.*

Larceny, &c. Bill.

REPORT.

This Bill has been framed chiefly with reference to the 7 & 8 Geo. 4. c. 29., commonly called Peel's Act, which consolidated the Law relating to Larceny and other similar Offences; and it also contains the Enactments which have been passed since that Act relating to such Offences.

The following Acts and Parts of Acts are consolidated in this Bill:

22 & 23 Car. 2. c. 11.	7 Will. 4 & 1 Vict. c. 86.
11 & 12 Will. 3. c. 7. ss. 8, 9.	7 Will. 4 & 1 Vict. c. 87.
6 Geo. 1. c. 19. s. 3.	7 Will. 4 & 1 Vict. c. 88.
8 Geo. 1. c. 24. s. 1.	2 & 3 Vict. c. 58. s. 10.
2 Geo 2. c. 28. s. 7.	5 & 6 Vict. c. 39. s. 6.
15 Geo. 2. c. 13. s. 12.	8 & 9 Vict. c. 47.
18 Geo. 2. c. 30. s. 1.	10 & 11 Vict. c. 66.
35 Geo. 3. c. 66. s. 6.	11 & 12 Vict. c. 46. s. 3.
37 Geo. 3. c. 46. s. 6.	14 & 15 Vict. c. 19. ss. 1, 2.
7 & 8 Geo. 4. c. 29.	14 & 15 Vict. c. 100. ss. 11, 13.
2 & 3 Will. 4. c. 4.	

This Bill is not confined to indictable Offences, but also includes such Summary Convictions and other auxiliary Provisions as are in the 7 & 8 Geo. 4. c. 29.

As some Offences are on their First, or First and Second Commission, punishable summarily before Magistrates, and on a subsequent Commission punishable by Indictment, it is almost impracticable to sever the Enactments relating to the one from those relating to the other, as an Examination of such Sections as 22., 23., 25., and 26., will plainly show; and even if it were practicable to sever them, it is obviously more convenient to have them in the same Bill.

So also where an Offence is punishable on Indictment, and another Offence of a precisely similar Character is punishable on Summary Conviction, as in the Case of taking Fish at different Places under Section 13., it is much more appropriate to place those Provisions side by side, than in different Bills.

So the Clause against taking a Reward for the Recovery of stolen Property is so connected with the advertising a Reward for the return of stolen Property that it would be impolitic to sever them, though the one creates a Felony (Section 87.), and the other merely gives an Action of Debt to recover 50*l.* (Section 88.)

So again Clauses which authorize the Apprehension of Offenders, the Search for Property, and other Proceedings, have such a necessary Connexion with the Clauses creating the Offences that they ought to be included in the same Bill.

So also the Clauses for receiving Property obtained by any Felony, Misdemeanor, or Offence punishable on Summary Conviction under the Act, have a necessary Dependency on the Clauses creating the Offences, especially as some of those Offences are the mere Creatures of the Statute.

In fact, a careful Consideration of the Clauses other than such as relate to mere indictable Offences contained in this Bill leads to the Conclusion not only that they may be placed in this Bill, but that they ought to be so placed, and cannot be placed in any other with an equal Amount of practical Utility.

Some Amendments have been introduced in this Bill in order to meet manifest Omissions, or to include Cases which clearly ought to be made criminal.

In Section 20. the Clause has been extended to Fixtures in Burial Grounds, as such Fixtures are as liable to Depredation, and equally want Protection, as the Fixtures in public Places.

Section 28. extends the Offence of fraudulently removing Minerals with Intent to cheat Mine Owners, which applies, under the 2 & 3 Vict. c. 58., to Cornwall only, to all Counties.

It has been supposed that a Letter written or purporting to come from A., and stating that *other Persons* would commit an Injury on the Person to whom the Letter was sent, was not a Threatening Letter within the present Enactment, and Section 37. has been introduced to remedy this Defect, and to render it immaterial whether the Threats be of Violence by the Party sending the Letter or by other Persons.

It frequently happens that a Person enters a Dwelling House in the Night under such Circumstances as show that he entered with Intent to commit a Felony, but there is no sufficient Evidence of breaking to prove him guilty of Burglary; and Section 43. has been introduced to meet such Cases, and to make it a Felony to enter any Dwelling House in the Night with Intent to commit any Felony.

As Nine o'Clock at Night is now fixed for the Beginning of Night in case of Burglary, it often happens in rural Districts in the Winter that what would have been a Burglary at Common Law is now punishable as a Misdemeanor only, and it is but reasonable that the breaking into the Dwelling House at any Time of the Day should be more highly penal than as a mere Misdemeanor; Section 47, therefore, makes the Offence of breaking into a House, with Intent to commit a Felony therein, a Felony punishable with Seven Years Penal Servitude, &c.

In

In Section 58. the Words "or being employed for the Purpose or in the Capacity of a Clerk or Servant," have been introduced in order to make the Offence of stealing a Master's Property co-extensive as far as regards the Persons committing the Offence with the Offence of Embezzlement.

The 7 & 8 Geo. 4. c. 29. s. 47. enacts, that if any Clerk, &c. shall "by virtue of such Employment" receive any Property for, in the Name, or on the Account of his Master, and embezzle it, he shall be guilty of Felony. Under this Clause it is necessary to prove that the Property was received *by virtue of the Employment*, so that if a Servant receive Money paid to him on account of his Master, but it was not his Duty so to receive it, he is not within the Clause. The Clause has been altered to include such Cases, it being considered that in such Cases a Servant ought to be criminally liable for the Misappropriation of the Property delivered to him as such Servant for his Master, and which he receives on his Account. There is no Doubt that if a Servant stole any Property belonging to his Master he would be guilty of Larceny as a Servant, although he had no Charge of the Property stolen, or even if it were Money locked up in a Box; and there is no Reason why a Servant who receives any Property for and on the Account of his Master should not be made guilty of Embezzlement if he converts it to his own Use, although it may not be his Duty to receive it.

The 2 & 3 Will. 4. c. 4., relating to Embezzlements by Public Servants, has been introduced into Section 59., and the 3d Section of that Act consolidated with the 48th Section of the 7 & 8 Geo. 4. c. 29. It seems plain that this is the proper Place for such Offences, and by placing them here the Necessity of repeating several Clauses is avoided.

Section 61. has been introduced to remove a Doubt whether a Person who was employed as Servant by several Persons not being Partners could be guilty of Embezzlement, and renders him liable to be so convicted.

Several Cases have occurred where Persons have been compelled by Force or induced by Fraud to execute Deeds or other Instruments, and Sections 70. and 71. have been framed to meet such Cases. There is a Case of Reg. v. Danger now pending, in which the Prosecutor was induced by false Pretences to accept a Bill of Exchange.

Upon an Indictment for obtaining Property by false Pretences, it seems to be necessary that the Property should be obtained by the Person making the Pretences; and it is not enough that A. by means of false Pretences causes C. to deliver Property to D., though A. means thereby to cheat C. Section 73. has been added to meet such Cases.

Larceny, &c. Bill.

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81. *Receiving, where the Principal has been guilty of a Misdemeanor.*
82. *Indictment for Stealing and Receiving.*
83. *Receiver where triable.*
84. *Receivers of Property, where the original Offence is punishable on Summary Conviction.*
85. *Abettors in Offences punishable on Summary Conviction.*

As to Restitution and Recovery of Stolen Property:

86. *The Owner of Stolen Property prosecuting Thief or Receiver to Conviction shall have Restitution of his Property.*
87. *Taking a Reward for helping to the Recovery of Stolen Property without bringing the Offender to Trial.*
88. *Advertising a Reward for the Return of Stolen Property, &c.*

As to Apprehension of Offenders and other Proceedings:

89. *A Person in the Act of committing any Offence may be apprehended without a Warrant.*
90. *Limitation as to Summary Proceedings.*
91. *Mode of compelling the Appearance of Persons punishable on Summary Conviction.*

92. *Application*

92. *Application of Forfeitures and Penalties on Summary Convictions.*
93. *If a Person summarily convicted shall not pay, &c., the Justice may commit him.*
94. *Justice may discharge the Offender in certain Cases.*
95. *Pardon for Nonpayment of Money.*
96. *A Summary Conviction shall be a Bar to any other Proceeding for the same Cause.*
97. *Appeal.*
98. *No Certiorari, &c.*
99. *Convictions to be returned to the Quarter Sessions.*
100. *Venue, in Proceedings against Persons acting under this Act.*

As to other Matters:

101. *Stealers of Property in Scotland or Ireland who have the same in England, and Receivers in England of Property stolen in Scotland or Ireland, may be tried and punished in England.*
102. *Offences committed at Sea.*
103. *Fine, and Sureties for the Peace, in what Cases.*
104. *Hard Labour, Solitary Confinement, and Whipping.*
105. *Costs of Prosecutions of Offences against this Act may be allowed.*
106. *Act to extend to England only.*
107. *Commencement of Act.*

A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of England relating to Larceny and other similar Offences.

[Note.—*The Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to consolidate and amend the Statute Law of England relating to Larceny and other similar Offences: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

As to Simple Larceny:

I. Whosoever shall be convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the Cases herein-after otherwise provided for) be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping. Punishment for Simple Larceny. 7 & 8 G. 4. c. 29. ss. 3, 4. 12 & 13 Vict. c. 11. s. 1.

II. It shall be lawful to insert several Counts in the same Indictment against the same Person for any Number of distinct Acts of Stealing, not exceeding Three, which may have been committed by him against the same Person within the Space of Six Months from the first to the last of such Acts, and to proceed thereon for all or any of them. Three Larcenies within Six Months may be charged in One Indictment. 14 & 15 Vict. c. 100. s. 16.

Where a single Taking is charged, and several Takings at different Times are proved. 14 & 15 Vict. c. 100. s. 17.

III. If upon the Trial of any Indictment for Larceny it shall appear that the Property alleged in such Indictment to have been stolen at One Time was taken at different Times, the Prosecutor shall not by reason thereof be required to elect upon which Taking he will proceed, unless it shall appear that there were more than Three Takings, or that more than the Space of Six Months elapsed between the first and the last of such Takings; and in either of such last-mentioned Cases the Prosecutor shall be required to elect to proceed for such Number of Takings, not exceeding Three, as appear to have taken place within the Period of Six Months from the first to the last of such Takings.

Larceny, after a Conviction for Felony. 16 & 17 Vict. c. 99. s. 12. 7 & 8 G. 4. c. 29. ss. 3, 4.

IV. Whosoever shall commit the Offence of Simple Larceny after a previous Conviction for Felony, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Larceny, after Two Summary Convictions. 12 & 13 Vict. c. 11. s. 3. 7 & 8 G. 4. c. 29. 7 & 8 G. 4. c. 30. 10 & 11 Vict. c. 82.

V. Whosoever shall commit the Offence of Simple Larceny, or any Offence made punishable like Simple Larceny, after having been twice summarily convicted of any of the Offences punishable upon Summary Conviction, under the Provisions contained in the Act of the Seventh and Eighth Years of King George the Fourth, Chapter Twenty-nine, or the Act of the same Session, Chapter Thirty, or the Act of the Tenth and Eleventh Years of Queen Victoria, Chapter Eighty-two, or this Act, or the Act of this Session, intituled "An Act "to consolidate and amend the Statute Law of England relating to "malicious Injuries to Property," (whether each of the Convictions shall have been in respect of an Offence of the same Description or not, and whether such Convictions or either of them shall have been or shall be before or after the passing of this Act,) shall, being convicted thereof, be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned, for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping; and in any Indictment against any Person who shall have been twice convicted of Offences punishable upon Summary Conviction as aforesaid, it shall be sufficient to state that such Person was at certain Times and Places so twice convicted, without otherwise describing the Offences of which such Person was so convicted, and a Copy of any such Conviction, certified by the proper Officer of the Court of General or Quarter Sessions to which such Conviction shall have been transmitted or returned, or proved to be a true Copy, shall be sufficient

7 & 8 G. 4. c. 29. ss. 3, 4. Form of Indictment, and Evidence of previous Conviction. 12 & 13 Vict. c. 11. s. 4.

Evidence

Evidence to prove such Conviction, and such Conviction shall be presumed to be unappealed against unless the contrary be shown.

As to Larceny of Cattle or other Animals:

Stealing Horses, Cows, Sheep, &c., or killing them with Intent to steal. 7&8 G. 4. c. 29. s. 25. 2 & 3 W. 4. c. 62. s. 1. 7 W. 4. and 1 Vict. c. 90. ss. 1. 3.

VI. Whosoever shall steal any Horse, Mare, Gelding, Colt, or Filly, or any Bull, Cow, Ox, Heifer, or Calf, or any Ram, Ewe, Sheep, or Lamb, or shall wilfully kill any of such Cattle with Intent to steal the Carcase or Skin or any Part of the Cattle so killed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing Dogs. 8 & 9 Vict. c. 47. s. 2.

VII. Whosoever shall steal any Dog shall, on Conviction thereof before Two Justices of the Peace, either be committed to the Common Gaol or House of Correction, there to be imprisoned, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or shall forfeit and pay, over and above the Value of the said Dog, such Sum of Money, not exceeding Twenty Pounds, as to the said Justices shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards steal any Dog, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

Possession of stolen Dogs. 8 & 9 Vict. c. 47. s. 3.

VIII. Whosoever shall unlawfully have in his Possession or on his Premises any stolen Dog, or the Skin of any stolen Dog, knowing such Dog to have been stolen, or such Skin to be the Skin of a stolen Dog, shall, on Conviction thereof before Two Justices of the Peace, be liable to pay such Sum of Money not exceeding Twenty Pounds as to such Justices shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any such Offence as in this Section before mentioned, shall be guilty of a Misdemeanor.

Taking Money to restore Dogs. 8 & 9 Vict. c. 47. s. 6.

IX. Whosoever shall corruptly take any Money or Reward, directly or indirectly, under Pretence or upon account of aiding any Person to recover any Dog which shall have been stolen, or which shall be in the Possession of any Person not being the Owner thereof, shall be guilty of a Misdemeanor.

Stealing Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny. 7& 8 G. 4. c. 29. s. 31.

X. Whosoever shall steal any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Beast or Bird, such Sum

Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any Offence in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Twelve Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped after the Expiration of Four Days from the Time of such Conviction.

Persons found in possession of stolen Beasts, &c. liable to Penalties. 7 & 8 G. 4. c. 29. s. 32.

XI. If any Dog, or any such Beast, or the Skin thereof, or any such Bird, or any of the Plumage thereof, shall be found in the Possession or on the Premises of any Person, any Justice may restore the same respectively to the Owner thereof; and any Person in whose Possession or on whose Premises such Beast or the Skin thereof, or such Bird or the Plumage thereof, shall be so found, (such Person knowing that the Beast or Bird has been stolen, or that the Skin is the Skin of a stolen Beast, or that the Plumage is the Plumage of a stolen Bird,) shall, on Conviction before a Justice of the Peace, be liable for the First Offence to such Forfeiture and for every subsequent Offence to such Punishment as Persons convicted of stealing any Beast or Bird are herein-before made liable to.

Killing Pigeons. 7 & 8 G. 4. c. 29. s. 33.

XII. Whosoever shall unlawfully and wilfully kill, wound, or take any House Dove or Pigeon under such Circumstances as shall not amount to Larceny at Common Law, shall, on Conviction before a Justice of the Peace, forfeit and pay, over and above the Value of the Bird, any Sum not exceeding Two Pounds.

Taking Fish in any Water situate in Land belonging to a Dwelling House;

in any private Fishery elsewhere. 7 & 8 G. 4. c. 29. c. 34.

XIII. Whosoever shall unlawfully and wilfully take or destroy any Fish in any Water which shall run through or be in any Land adjoining or belonging to the Dwelling House of any Person being the Owner of such Water, or having a Right of Fishery therein, shall be guilty of a Misdemeanor; and whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any Water not being such as herein-before mentioned, but which shall be private Property, or in which there shall be any private Right of Fishery, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Fish taken or destroyed (if any), such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet: Provided, that nothing herein-before contained shall extend to any Person angling in the Daytime; but whosoever shall by angling in the Daytime unlawfully and wilfully

Provision respecting Anglers.

wilfully take or destroy, or attempt to take or destroy, any Fish in any such Water as first mentioned, shall, on Conviction before a Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds; and if in any such Water as last mentioned, he shall, on the like Conviction, forfeit and pay any Sum not exceeding Two Pounds as to the Justice shall seem meet; and if the Boundary of any Parish, Township, or Vill shall happen to be in or by the Side of any such Water as is in this Section before mentioned, it shall be sufficient to prove that the Offence was committed either in the Parish, Township, or Vill named in the Indictment or Information, or in any Parish, Township, or Vill adjoining thereto.

The Tackle of Fishers may be seized. 7 & 8 G. 4. c. 29. s. 35.

XIV. If any Person shall at any Time be found fishing against the Provisions of this Act, the Owner of the Ground, Water, or Fishery where such Offender shall be so found, his Servants, or any Person authorized by him, may demand from such Offender any Rods, Lines, Hooks, Nets, or other Implements for taking or destroying Fish which shall then be in his Possession, and in case such Offender shall not immediately deliver up the same, may seize and take the same from him for the Use of such Owner: Provided, that any Person angling in the Daytime against the Provisions of this Act, from whom any Implements used by Anglers shall be taken, or by whom the same shall be so delivered up, shall by the taking or delivering thereof be exempted from the Payment of any Damages or Penalty for such Angling.

Angler, on Seizure of his Tackle, exempt from Penalty.

Stealing or dredging for Oysters in Oyster Fisheries. 7 & 8 G. 4. c. 29. ss. 4. 36.

XV. Whosoever shall steal any Oysters or Oyster Brood from any Oyster Bed, Laying, or Fishery, being the Property of any other Person, and sufficiently marked out or known as such, shall be guilty of Larceny, and being convicted thereof shall be punished accordingly; and whosoever shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any such Oyster Fishery, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall unlawfully and wilfully, with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, shall be guilty of a Misdemeanor, and being convicted thereof shall be punished by Fine or Imprisonment, or by both, as the Court, in its Discretion, shall award, such Fine not to exceed Twenty Pounds, and such Imprisonment not to exceed Three Months, and to be with or without Hard Labour, and with or without Solitary Confinement; and it shall be sufficient in any Indictment to describe either by Name or otherwise the Bed, Laying, or Fishery in which any of the said Offences shall have been committed, without stating the same to be in any particular Parish, Township, or Vill: Provided, that nothing in this Section contained shall prevent any Person

from catching or fishing for any floating Fish within the Limits of any Oyster Fishery with any Net, Instrument, or Engine adapted for taking floating Fish only.

As to Larceny of valuable Securities:

Bonds, Bills, Notes, &c. 7 & 8 G. 4. c. 29. s. 5. 2 & 3 W. 4. c. 4. s. 2.

XVI. Whosoever shall steal any Tally, Order, or other Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether of this Kingdom, or of Great Britain or of Ireland, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of this Kingdom or of any Foreign State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, shall be guilty of Felony, of the same Nature and in the same Degree and punishable in the same Manner as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents in this Section before enumerated shall throughout this Act be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

"Valuable Security" defined.

Deeds, &c. relating to Real Property. 7 & 8 G. 4. c. 29. ss. 4. 23.

XVII. Whosoever shall steal, or shall for any fraudulent Purpose destroy, obliterate, or conceal, the whole or any Part of any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title or of any Part of the Title to any Real Estate, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and with or without Solitary Confinement; and in any Indictment for such Offence it shall be sufficient to allege the Thing stolen to be Evidence of the Title, or of Part of the Title, of the Person or of some one of the Persons having a present Interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate, or some Part thereof; and it shall not be necessary to allege the Thing stolen to be of any Value.

Wills or Codicils. 7 & 8 G. 4. c. 29. ss. 4. 22. 24.

XVIII. Whosoever shall, either during the Life of the Testator or after his Death, steal, or for any fraudulent Purpose destroy, obliterate,

terate, or conceal, the whole or any Part of any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and with or without Solitary Confinement; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil, or other Instrument is the Property of any Person, or that the same is of any Value: Provided, that nothing in this or the last preceding Section mentioned, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Person shall be liable to be convicted of either of the Misdemeanors in this and in the last preceding Section mentioned, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity in any Action, Suit, or Proceeding which shall have been bonâ fide instituted by any Party aggrieved, or if he shall have disclosed the same in any Examination or Deposition before any Commissioners of Bankrupt.

Other Remedies not to be affected.

XIX. Whosoever shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court, or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or any original Document whatsoever of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending or terminated in any such Court, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and

Stealing Records or other legal Documents. 7 & 8 G. 4. c. 29. ss. 4. 21.

with or without Solitary Confinement; and it shall not in any Indictment for such Offence be necessary to allege that the Article in respect of which the Offence is committed is the Property of any Person, or that the same is of any Value.

As to Larceny of Things attached to or growing on Land:

Metal, Glass, Wood, &c. fixed to Houses or Land. 7 & 8 G. 4. c. 29. ss. 4. 44.

XX. Whosoever shall steal, or rip, cut, sever, or break with Intent to steal, any Glass or Wood-work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass, or other Metal, or any Utensil or Fixture, whether made of Metal or other Material or of both, respectively fixed in or to any Building whatsoever, or anything made of Metal fixed in any Land being private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square, Street, or other Place dedicated to public Use or Ornament, or in any Burial Ground, shall be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny; and in the Case of any such Thing fixed in any Square, Street, or other like Place, it shall not be necessary to allege the same to be the Property of any Person.

Trees in Pleasure Grounds, if of the Value of One Pound, or elsewhere if of the Value of Five Pounds. 7 & 8 G. 4. c. 29. ss. 4. 38.

XXI. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, shall (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of One Pound,) be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing elsewhere than in any of the Situations in this Section before mentioned, shall (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of Five Pounds,) be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny.

Stealing Trees, Shrubs, &c. wheresoever growing, and of any Value above 1*s.*, punishable on summary Conviction for First and Second Offence; Third Offence, Felony. 7 & 8 G. 4. c. 29. s. 39.

XXII. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the stealing of such Article or Articles, or the Injury done, being to the Amount of a Shilling at the least, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Article or Articles stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and whosoever,

soever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Twelve Months, as the convicting Justice shall think fit; and if such Second Conviction shall take place before Two Justices they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction; and whosoever, having been twice convicted of any such Offence (whether both or either of such Convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the Offences in this Section before mentioned, shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. any live or dead Fence, Wooden Fence, Stile, or Gate. 7 & 8 G. 4. c. 29. s. 40.

XXIII. Whosoever shall steal, or shall cut, break, or throw down with Intent to steal, any Part of any live or dead Fence, or any Wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Twelve Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

Suspected Persons in possession of Wood, &c., not satisfactorily accounting for it. 7 & 8 G. 4. c. 29. s. 41.

XXIV. If the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, being of the Value of Two Shillings at the least, shall be found in the Possession of any Person, or on the Premises of any Person, with his Knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall on Conviction by the Justice forfeit and pay, over and above the Value of the Article or Articles so found, any Sum not exceeding Two Pounds.

Stealing, &c. any Fruit or Vegetable Production in a Garden, &c., punishable on Summary Conviction for First Offence; Second Offence Felony. 7 & 8 G. 4. c. 29. s. 42.

XXV. Whosoever shall steal, or shall destroy or damage with Intent to steal, any Plant, Root, Fruit, or Vegetable Production, growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, shall on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the Offences in this Section before mentioned, shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. Vegetable Productions not growing in Gardens, &c. 7 & 8 G. 4. c. 29. s. 43.

XXVI. Whosoever shall steal, or shall destroy or damage with Intent to steal, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding One Month, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Twenty Shillings, as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs (if ordered), shall be committed as aforesaid for any Term not exceeding One Month, unless Payment be sooner made; and whosoever, having been convicted of any such Offence either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Six Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

As to Larceny from Mines:

Ore of Metal, Coal, &c. 7 & 8 G. 4. c. 29. s. 4. 37.

XXVII. Whosoever shall steal, or sever with Intent to steal, the Ore of any Metal, or any Lapis Calaminaris, Manganese or Mundick, or

or any Wad, Black Cawke, or Black Lead, or any Coal or Cannel Coal, from any Mine, Bed, or Vein thereof respectively, shall be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny.

Miners removing Ore with Intent to defraud. 2 & 3 Vict. c. 58. s. 10. made general.

XXVIII. Whosoever, being employed in or about any Mine, shall take, remove, or conceal any Ore of any Metal, or any Lapis Calaminaris, Manganese, Mundick, or other Mineral found or being in such Mine, with Intent to defraud any Proprietor of or any Adventurers in such Mine, or any Workman or Miner employed therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

As to Larceny from the Person, and Offences of that Description:

Robbery or Stealing from the Person. 7 W. 4. & 1 Vict. c. 87. ss. 5. 10.

XXIX. Whosoever shall rob any Person, or shall steal any Chattel, Money, or valuable Security from the Person of another, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

On Trial for Robbery, Jury may convict of an Assault with Intent to rob. 14 & 15 Vict. c. 100. s. 11.

XXX. If upon the Trial of any Person upon any Indictment for Robbery it shall appear to the Jury upon the Evidence that the Defendant did not commit the Crime of Robbery, but that he did commit an Assault with Intent to rob, the Defendant shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is guilty of an Assault with Intent to rob; and thereupon such Defendant shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for feloniously assaulting with Intent to rob; and no Person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an Assault with Intent to commit the Robbery for which he was so tried.

Assault with Intent to rob. 7 W. 4. & 1 Vict. c. 87. ss. 6. 10.

XXXI. Whosoever shall assault any Person with Intent to rob shall be guilty of Felony, and being convicted thereof shall (save and except in the Cases where a greater Punishment is provided by this Act) be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Robbery or Assault by a Person armed, or by Two or more, or Robbery and Striking.
7 W. 4. & 1 Vict. c. 87. ss. 3. 10.

XXXII. Whosoever shall, being armed with any offensive Weapon or Instrument, rob, or assault with Intent to rob, any Person, or shall, together with One or more other Person or Persons, rob, or assault with Intent to rob, any Person, or shall rob any Person, and at the Time of or immediately before or immediately after such Robbery shall beat, strike, or use any other personal Violence to any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Robbery and Wounding.
7 W. 4. & 1 Vict. c. 87. s. 2.

XXXIII. Whosoever shall rob any Person, and at the Time of or immediately before or immediately after such Robbery shall wound any Person, shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon.

Letter, demanding Money, &c. with Menaces.
7 & 8 G. 4. c. 29. ss. 4. 8.

XXXIV. Whosoever shall send, deliver, or utter, knowing the Contents thereof, any Letter or Writing demanding of any Person with Menaces, and without any reasonable or probable Cause, any Chattel, Money, or valuable Security, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Demanding Money, &c. with Menaces, or by Force, with Intent to steal.
7 W. 4. & 1 Vict. c. 87. ss. 7. 10.

XXXV. Whosoever shall with Menaces or by Force demand any Chattel, Money, or valuable Security of any Person, with Intent to steal the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Letter threatening to accuse of Crime, or to kill or burn, &c., with Intent to extort.
10 & 11 Vict. c. 66. s. 1. 7 & 8 G. 4. c. 29. ss. 8. 9.

XXXVI. Whosoever shall send, deliver, or utter, knowing the Contents thereof, any Letter or Writing accusing or threatening to accuse any other Person of any Crime punishable by Law with Death or Penal Servitude, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime as herein-after defined, with a View or Intent in any of such Cases to extort or gain by means of such Letter or Writing any Property, Chattel, Money, valuable Security, or other valuable Thing, from any Person, or any Letter or Writing threatening to kill or murder any Person, or to burn or destroy any House, Barn, or other Building, or any Rick or Stack of Grain, Hay, or Straw,

Straw, or other agricultural Produce, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and, if a Male, with or without whipping; and for defining what shall be an infamous Crime within the Meaning of this Act, be it enacted, that the abominable Crime of Buggery, committed either with Mankind or with Beast, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

"Infamous Crime" defined.

XXXVII. It shall be immaterial whether the Menaces contained in any such Letter or Writing as is herein before mentioned be of Violence or Injury to be caused by the Party sending, delivering, or uttering such Letter or Writing, or by any other Person.

It shall be immaterial from whom the Menaces proceed.

XXXVIII. Whosoever shall accuse or threaten to accuse, either the Person to whom such Accusation or Threat shall be made or any other Person, of any of the infamous or other Crimes lastly herein-before mentioned, with the View or Intent in any of the Cases last aforesaid to extort or gain from such Person so accused or threatened to be accused, or from any other Person, any Property, Chattel, Money, valuable Security, or other valuable Thing, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and, if a Male, with or without whipping.

Accusing or threatening to accuse, with Intent to extort. 10 & 11 Vict. c. 66. s. 2. 7 & 8 G. 4. c. 29. s. 8.

As to Sacrilege, Burglary, and Housebreaking:

XXXIX. Whosoever shall be convicted of the Crime of Burglary shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement; and so far as the same is essential to the Offence of Burglary, the Night shall be deemed to commence at Nine of the Clock in the Evening of each Day, and to conclude at Six of the Clock in the Morning of the next succeeding Day.

Burglary. 7 W. 4. & 1 Vict. c. 86. ss. 3, 4. 7.

"Night" defined.

Burglary by breaking out. 7 & 8 G. 4. c. 29. s. 11.

XL. Whosoever shall enter the Dwelling House of another with Intent to commit Felony, or being in such Dwelling House shall commit any Felony, and shall in either Case break out of the said Dwelling House in the Night shall be deemed guilty of Burglary.

Burglary and Attempt to murder, &c. 7 W. 4. & 1 Vict. c. 86. s. 2.

XLI. Whosoever shall burglariously break and enter into any Dwelling House, and shall assault, with Intent to murder, any Person being therein, or shall wound, beat, or strike any such Person, shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon.

What Building within the Curtilage shall be deemed Part of the Dwelling House. 7 & 8 G. 4. c. 29. s. 13.

XLII. No Building, although within the same Curtilage with any Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for any of the Purposes of this Act, unless there shall be a Communication between such Building and Dwelling House, either immediate, or by means of a covered and inclosed Passage leading from the one to the other.

Entering a Dwelling House in the Night with Intent to commit any Felony.

XLIII. Whosoever shall enter any Dwelling House in the Night, as herein-before defined, with Intent to commit any Felony therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Breaking and entering Building within the Curtilage which is not Part of the Dwelling House. 7 & 8 G. 4. c. 29. s. 14. 7 W. 4. & 1 Vict. c. 90. ss. 2, 3.

XLIV. Whosoever shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House and occupied therewith, but not being Part thereof, according to the Provision herein-before mentioned, shall be guilty of Felony, and being convicted thereof, either upon an Indictment for the same Offence, or upon an Indictment for Burglary, Housebreaking, or Stealing to the Value of Five Pounds in a Dwelling House, containing a separate Count for such Offence, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Breaking and entering a Church or Chapel. 7 & 8 G. 4. c. 29. s. 10. 5 & 6 W. 4. c. 81. 6 & 7 W. 4. c. 4.

XLV. Whosoever shall break and enter any Church or Chapel, and steal therein any Chattel, Money, or valuable Security, or, having stolen any Chattel, Money, or valuable Security in any Church or Chapel, shall break out of the same, shall be guilty of Felony, and being

being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Breaking and entering any House, Shop, Warehouse, &c., and Stealing. 7 & 8 G. 4. c. 29. ss. 12, 13. 15. 7 W. 4. & 1 Vict. c. 90. ss. 2, 3. 3 & 4 W. 4. c. 44. ss. 1, 2.

XLVI. Whosoever shall break and enter any Dwelling House, Shop, Warehouse, or Counting-house, and steal therein any Chattel, Money, or valuable Security, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Housebreaking with Intent to commit any Felony.

XLVII. Whosoever shall break and enter any Dwelling House, with Intent to commit any Felony therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Being armed with Intent to break and enter any House. 14 & 15 Vict. c. 19. ss. 1. 13.

XLVIII. Whosoever shall be found by Night armed with any dangerous or offensive Weapon or Instrument whatsoever, with Intent to break or enter into any Dwelling House or other Building whatsoever, and to commit any Felony therein, or shall be found by Night having in his Possession without lawful Excuse (the Proof of which Excuse shall lie on such Person) any Picklock Key, Crow, Jack, Bit, or other Implement of Housebreaking, or shall be found by Night having his Face blackened or otherwise disguised, with Intent to commit any Felony, or shall be found by Night in any Dwelling House or other Building whatsoever, with Intent to commit any Felony therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour; and the Time at which the Night shall commence and conclude in any Offence against the Provisions of this Section shall be the same as in Cases of Burglary.

The like, after a previous Conviction for Felony, &c. 14 & 15 Vict. c. 19. s. 2.

XLIX. Whosoever shall be convicted of any such Misdemeanor as in the last preceding Section mentioned, committed after a previous Conviction, either for Felony or such Misdemeanor, shall on such subsequent Conviction be liable, at the Discretion of the Court, to be

kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour; and in any Indictment for such Misdemeanor committed after a previous Conviction as aforesaid it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony or Misdemeanor against "The Act for the better Prevention of Offences, 1851," or against this Act, (as the Case may be,) without otherwise describing the previous Felony or Misdemeanor; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony or Misdemeanor, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same: Provided, that it shall not be lawful on the Trial of any Person for any such subsequent Offence as in this and the Fifth Section of this Act mentioned, where a Plea of Not Guilty shall have been entered on his Behalf, to charge the Jury to inquire concerning any previous Conviction, until they shall have inquired concerning such subsequent Offence, and shall have found such Person Guilty of the same; and whenever in any such Indictment any previous Conviction shall be stated, the Reading of such Statement to the Jury shall be deferred until after such Finding: Provided, that if upon the Trial of any Person for any such subsequent Offence such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences, before such Verdict of Guilty shall be returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

When the previous Conviction is to be proved on the Trial of an Indictment against this or the Fifth Section of this Act.
14 & 15 Vict. c. 19. s. 9.

As to Larceny in the House:

Stealing in a Dwelling House to the Value of Five Pounds.
7 & 8 G. 4. c. 29. s. 12.
7 W. 4. & 1 Vict. c. 90. ss. 1. 3.
2 & 3 W. 4. c. 62. s. 1.

L. Whosoever shall steal in any Dwelling House any Chattel, Money, or valuable Security to the Value in the whole of Five Pounds or more, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

LI. Who-

LI. Whosoever shall steal any Chattel, Money, or valuable Security to any Value whatever, in any Dwelling House, and shall by any Menace or Threat put any One being therein in bodily Fear, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing in a Dwelling House with Menaces. 7 W. 4. & 1 Vict. c. 86. ss. 5. 7.

As to Larceny in Manufactories:

LII. Whosoever shall steal, to the Value of Ten Shillings, any Goods or Article of Silk, Woollen, Linen, or Cotton, or of any One or more of those Materials mixed with each other, or mixed with any other Material, whilst laid, placed, or exposed, during any Stage, Process, or Progress of Manufacture, in any Building, Field, or other Place, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing Goods in Process of Manufacture. 7 & 8 G. 4. c. 29. s. 16. 7 W. 4. & 1 Vict. c. 90. ss. 2, 3.

As to Larceny in Ships, Wharfs, &c.:

LIII. Whosoever shall steal any Goods or Merchandise in any Vessel, Barge, or Boat of any Description whatsoever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek belonging to or communicating with any such Port, River, or Canal, or shall steal any Goods or Merchandise from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, or Creek, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing from Ships, Docks, Wharfs, &c. 7 & 8 G. 4. c. 29. s. 17. 7 W. 4. & 1 Vict. c. 90. ss. 2, 3.

LIV. Whosoever shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, or any Goods, Merchandise, or Articles of any kind belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and

Stealing from a Ship in distress or wrecked. 7 W. 4 & 1 Vict. c. 87. ss. 8. 10., and see 9 & 10 Vict. c. 99.

not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement; and the Offender may be indicted and tried either in the County or Place in which the Offence shall have been committed or in any County or Place next adjoining.

Persons in possession of shipwrecked Goods, not giving a satisfactory Account. 7 & 8 G. 4. c. 29. s. 19.

LV. If any Goods, Merchandise, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, shall be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender, on Conviction of such Offence before the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

If any Person offers shipwrecked Goods for Sale, the Goods may be seized, &c. 7 & 8 G. 4. c. 29. s. 20.

LVI. If any Person shall offer or expose for Sale any Goods, Merchandise, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandise, or Articles, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender, on Conviction of such Offence by the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

As to Larceny or Embezzlement by Clerks or Servants:

Larceny by Clerks or Servants. 7 & 8 G. 4. c. 29. ss. 4. 46.

LVII. Whosoever being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall steal any Chattel, Money, or valuable Security belonging to or in the Possession

session or Power of his Master, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Embezzlement by Clerks or Servants. 7 & 8 G. 4. c. 29. ss. 4. 47.

LVIII. Whosoever being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall fraudulently embezzle any Chattel, Money, or valuable Security which shall be delivered to or received or taken into possession by him for or in the Name or on the Account of his Master, or any Part thereof, shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money, or Security was not received into the Possession of such Master otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Embezzlement by Persons in the Queen's Service. 2 & 3 W. 4. c. 4. ss. 1. 4. 5.

LIX. Whosoever, being employed in the Public Service of Her Majesty, and intrusted by virtue of such Employment with the Receipt, Custody, Management, or Control of any Chattel, Money, or valuable Security, shall embezzle the same or any Part thereof, or in any Manner fraudulently apply or dispose of the same or any Part thereof to his own Use or Benefit, or for any Purpose whatsoever except for the Public Service, shall be deemed to have stolen the same, and shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour; and every such Offender may be dealt with, indicted, tried, and punished either in the County or Place in which he shall be apprehended, or in the County or Place where he shall have committed the Offence; and in every such Case of Embezzlement or fraudulent Application or Disposition of any Chattel, Money, or valuable Security it shall be lawful in the Order of Committal by the Justice of the Peace before whom the Offender shall be charged, and in the Indictment to be preferred against such Offender,

Venue.

Indictment.

Offender, to lay the Property of any such Chattel, Money, or valuable Security in Her Majesty.

Distinct Acts of Embezzlement may be charged in the same Indictment. 7 & 8 G. 4. c. 29. s. 48. 2 & 3 W. 4. c. 4. s. 3.

LX. For preventing Difficulties in the Prosecution of Offenders against either of the Two last preceding Sections, it shall be lawful to charge in the Indictment and proceed against the Offender for any Number of distinct Acts of Embezzlement, or of fraudulent Application or Disposition, not exceeding Three, which may have been committed by him against Her Majesty or against the same Master, within the Space of Six Months from the first to the last of such Acts; and in every such Indictment where the Offence shall relate to any Money or any valuable Security it shall be sufficient to allege the Embezzlement, or fraudulent Application or Disposition, to be of Money, without specifying any particular Coin or valuable Security; and such Allegation, so far as regards the Description of the Property, shall be sustained if the Offender shall be proved to have embezzled or fraudulently applied or disposed of any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved; or if he shall be proved to have embezzled or fraudulently applied or disposed of any Piece of Coin or any valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, or to some other Person, and such Part shall have been returned accordingly. 14 & 15 Vict. c. 100. s. 18.

It is not essential that the Servant should be employed by One Master only.

LXI. It shall not be essential to constitute a Person a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, within the Meaning of the preceding Provisions, that such Person shall have been employed either solely or continuously by such Master or Employer.

Person indicted for Embezzlement as a Clerk, &c. not to be acquitted if the Offence turn out to be Larceny; and vice versâ. 14 & 15 Vict. c. 100. s. 13.

LXII. If upon the Trial of any Person indicted for Embezzlement as a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, it shall be proved that he took the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Embezzlement, but is guilty of Simple Larceny, or of Larceny as a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, as the Case may be; and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Larceny; and if upon the Trial of any Person indicted for

Larceny

Larceny it shall be proved that he took the Property in question in any such Manner as to amount in Law to Embezzlement, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Larceny, but is guilty of Embezzlement, and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Embezzlement; and no Person so tried for Embezzlement or Larceny as aforesaid shall be liable to be afterwards prosecuted for Larceny or Embezzlement upon the same Facts.

Embezzlement by Officers of the Bank of England.
37 G. 3. c. 46. s. 6.
35 G. 3. c. 66. s. 6.
15 G. 2. c. 13. s. 12.
4 & 5 Vict. c. 56. ss. 1. 4.

LXIII. Whosoever being an Officer or Servant of the Governor and Company of the Bank of England, and being intrusted with any Bond, Deed, Note, Bill, Dividend Warrant, or Warrant for Payment of any Annuity or Interest, or Money, or with any Security, Money, or other Effects of or belonging to the said Governor and Company, or having any Bond, Deed, Note, Bill, Dividend Warrant, or Warrant for Payment of any Annuity or Interest, or Money, or any Security, Money, or other Effects of any other Person, Body Politic or Corporate, lodged or deposited with the said Governor and Company, or with him as an Officer or Servant of the said Governor and Company, shall secrete, embezzle, or run away with any such Bond, Deed, Note, Bill, Dividend or other Warrant, Security, Money, or other Effects as aforesaid, or any Part thereof, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny by Tenants or Lodgers:

Tenant or Lodger stealing Chattel or Fixture let to Hire with House or Lodgings.
7 & 8 G. 4. c. 29. ss. 4. 45.
12 & 13 Vict. c. 11. s. 2.

LXIV. Whosoever shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her or by her Husband, or by any Person on behalf of him or her or her Husband, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned, for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping; and in case the Value of such Chattel or Fixture shall exceed the Sum of Five Pounds, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour,

and with or without Solitary Confinement, and, if a Male, with or without Whipping;—and in every Case of stealing any Chattel in this Section mentioned it shall be lawful to prefer an Indictment in the common Form as for Larceny, and in every Case of stealing any Fixture in this Section mentioned to prefer an Indictment in the same Form as if the Offender were not a Tenant or Lodger, and in either Case to lay the Property in the Owner or Person letting to Hire.

As to Frauds by Agents, Bankers, or Factors:

Agent, Banker, &c. embezzling Money or selling Securities, &c. intrusted to him; 7 & 8 G. 4. c. 29. ss. 4. 49, 50.

LXV. Whosoever having been intrusted, either solely or jointly with any other Person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any Money or Security for the Payment of Money, with any Direction in Writing to apply, pay, or deliver such Money or Security or any Part thereof respectively, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose, or to any Person specified in such Direction, shall, in violation of good Faith, and contrary to the Terms of such Direction, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively;—and whosoever having been intrusted, either solely or jointly with any other Person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund, whether of this Kingdom, or of Great Britain or of Ireland, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, for safe Custody or for any special Purpose, without any Authority to sell, negotiate, transfer, or pledge, shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any Manner convert to his own Use or Benefit such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof;—shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and with or without Solitary Confinement; but nothing in this Section contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property, Real or Personal, in respect

or Goods, &c. intrusted to him for safe Custody.

Not to affect Trustees or Mortgagees.

of

of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trust or Mortgage; nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security, according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession, upon which he shall have any Lien, Claim, or Demand entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall extend to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

Nor Bankers, &c. receiving Money due on Securities:

or disposing of Securities on which they have a Lien.

LXVI. Whosoever being a Factor or Agent intrusted for the Purpose of Sale with any Goods or Merchandise, or intrusted with any Bill of Lading, Warehouse Keeper's or Wharfinger's Certificate, or Warrant or Order for Delivery of Goods or Merchandise, shall for his own Use or Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandise, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent, at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and with or without Solitary Confinement; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandise, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

Factors pledging the Property of their Principals. 7 & 8 G. 4. c. 29. ss. 4. 51.

Not to extend where the Pledge does not exceed the Lien.

LXVII. Whosoever being an Agent intrusted with the Possession of Goods, or of the Documents of Title to Goods, shall, contrary to or without the Authority of his Principal in that Behalf, for his own Use or Benefit, and in violation of good Faith, make any Consignment, Deposit, Transfer, or Delivery of any Goods or Documents of Title

Factors obtaining Advances on the Property of their Principals. 5 & 6 Vict. c. 39. s. 6.

so intrusted to him as in this Section before mentioned, as and by way of a Pledge, Lien, or Security, or shall, contrary to or without such Authority, for his own Use or Benefit, and in violation of good Faith, accept any Advance on the Faith of any Contract or Agreement to consign, deposit, transfer, or deliver any such Goods or Documents of Title, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and with or without Solitary Confinement; and every Clerk or other Person who shall knowingly and wilfully act and assist in making any such Consignment, Deposit, Transfer, or Delivery, or in accepting or procuring such Advance as aforesaid, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the same Punishments: Provided nevertheless, that no such Agent shall be liable to any Prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Consignment, Deposit, Transfer, or Delivery was justly due and owing to such Agent from his Principal, together with the Amount of any Bills of Exchange drawn by or on account of such Principal, and accepted by such Agent.

5 & 6 Vict. c. 39. s. 4. Definitions:

"Document of Title:"

"intrusted:"

"possessed:"

LXVIII. Any Bill of Lading, India Warrant, Dock Warrant, Warehouse Keeper's Certificate, Warrant, or Order for the Delivery of Goods, or any other Document used in the ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize, either by Endorsement or by Delivery, the Possessor of such Document to transfer or receive Goods thereby represented, shall be deemed and taken to be a Document of Title within the Meaning of the last preceding Section; and any Agent intrusted with the Possession of Goods, or of the Documents of Title to Goods, and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods or obtained by reason of such Agent's having been intrusted with the Possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the Possession of the Goods represented by such Document of Title, and all Contracts pledging or giving a Lien upon such Document of Title as aforesaid shall be deemed and taken to be respectively Pledges of and Liens upon the Goods to which the same relates; and such Agent

Agent shall be deemed to be possessed of such Goods or Documents, whether the same shall be in his actual Custody, or shall be held by any other Person subject to his Control, or for him or on his Behalf; and where any Loan or Advance shall be bonâ fide made to any Agent intrusted with and in possession of any such Goods or Documents of Title, on the Faith of any Contract or Agreement in Writing to consign, deposit, transfer, or deliver such Goods or Documents of Title, and such Goods or Documents of Title shall actually be received by the Person making such Loan or Advance, without Notice that such Agent was not authorized to make such Pledge or Security, every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the Security of such Goods or Documents of Title within the Meaning of the last preceding Section, though such Goods or Documents of Title shall not actually be received by the Person making such Loan or Advance till the Period subsequent thereto; and any Contract or Agreement, whether made direct with such Agent, or with any Clerk or other Person on his Behalf, shall be deemed a Contract or Agreement with such Agent; and any Payment made, whether by Money or Bills of Exchange, or other negotiable Security, shall be deemed and taken to be an Advance within the Meaning of the last preceding Section; and an Agent in possession as aforesaid of such Goods or Documents shall be taken, for the Purposes of the last preceding Section, to have been intrusted therewith by the Owner thereof, unless the contrary can be shown in Evidence.

"Contract or Agreement:"

"Advance:"

Possession to be Evidence of intrusting.

LXIX. Nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, against any Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid shall be liable to be convicted by any Evidence whatever as an Offender against this Act, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity in any Action, Suit, or Proceeding which shall have been bonâ fide instituted by any Party aggrieved, or if he shall have disclosed the same in any Examination or Deposition before any Commissioners of Bankrupt.

In what Cases not to be prosecuted. 7 & 8 G. 4. c. 29. s. 52. 5 & 6 Vict. c. 39. s. 6.

As to inducing Persons to execute Instruments by Force or Fraud:

Inducing a Person by Violence or Threats to execute Deeds, &c., with Intent to defraud.

LXX. Whosoever, with Intent to defraud or injure any other Person, shall, by any unlawful Violence to or Restraint of, or Threat of Violence to or Restraint of, the Person of another, or by accusing or threatening to accuse any Person of any Treason, Felony, or infamous Crime, as herein-before defined, compel or induce any Person to execute, make, accept, indorse, alter, or destroy the whole or any Part of any valuable Security, Deed, Will, or Codicil, or to write or impress his Name, or the Name of any other Person, or of any Company, Firm, or Copartnership, upon any Paper or Parchment, in order that the same may be afterwards used or dealt with as a valuable Security, Deed, Will, or Codicil, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Inducing a Person by Fraud to execute Deeds and other Instruments.

LXXI. Whosoever, with Intent to defraud or injure any other Person, shall, by any False Pretence or Representation, fraudulently cause or induce any other Person to execute, make, accept, indorse, or destroy the whole or any Part of any valuable Security, Deed, Will, or Codicil, or to write or impress his Name, or the Name of any other Person, or of any Company, Firm, or Copartnership, upon any Paper or Parchment, in order that the same may be afterwards used or dealt with as a valuable Security, Deed, Will, or Codicil, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

As to obtaining Money, &c. by False Pretences:

False Pretences. 7 & 8 G. 4. c. 29. ss. 4. 53.

LXXII. Whosoever shall by any False Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be with or without Hard Labour, and with or without Solitary Confinement:—Provided, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in question in any such Manner

No Acquittal because the Offence amounts to Larceny.

Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor; and no such Indictment shall be removable by Certiorari; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts: Provided also, that it shall be sufficient in any Indictment for obtaining or attempting to obtain any such Property by False Pretences to allege that the Party accused did the Act with Intent to defraud, without alleging an Intent to defraud any particular Person; and on the Trial of any such Offence it shall not be necessary to prove an Intent to defraud any particular Person, but it shall be sufficient to prove that the Party accused did the Act charged with an Intent to defraud.

Form of Indictment and Evidence. 14 & 15 Vict. c. 100. s. 8.

LXXIII. Whosoever shall by any False Pretence cause or procure any Money to be paid, or any Chattel or valuable Security to be delivered, to any other Person, for the Use or on the Behalf or on account of the Person making such False Pretence, or any other Person, with Intent to cheat or defraud, shall be deemed to have obtained such Money, Chattel, or valuable Security within the Meaning of the last preceding Section.

Where any Money or Thing is caused to be paid or delivered to any Person other than the Person making a False Pretence.

As to Piracy:

Piracy. 28 H. 8. c. 15. ss. 1. 3. 7 W. 4. & 1 Vict. c. 88. ss. 1. 3. 5.

LXXIV. Whosoever shall commit any Robbery in or upon the Sea, or in any Haven, River, Creek, or Place where the Admiral has or pretends to have Jurisdiction, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

LXXV. Whosoever, with Intent to commit or at the Time of or immediately before or immediately after committing the Crime of Piracy in respect of any Ship or Vessel, shall assault, with Intent to murder, any Person being on board of or belonging to such Ship or Vessel, or shall wound any such Person, or unlawfully do any Act by which the Life of such Person may be endangered, shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon.

Piracy and Attempt to murder. 7 W. 4. & 1 Vict. c. 88. s. 2.

LXXVI. Whosoever, being a natural-born Subject of Her Majesty or a Denizen of this Kingdom, shall commit any Piracy or Robbery or any Act of Hostility against any other of Her Majesty's Subjects, upon the Sea, or in any Haven, River, Creek, or Place where the Admiral has or pretends to have Jurisdiction, under colour of any Commission

Robbery or other Act of Hostility at Sea under colour of a Foreign Commission. 11 & 12 W. 3. c. 7. s. 8. made perpetual by 6 G. 1. c. 19. s. 3.

18 G. 2. c. 30. s. 1. 7 W. 4. & 1 Vict. c. 88. ss. 3. 5.

Commission from any Foreign Prince or State, or Pretence of Authority from any Person whatsoever, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Piracy by Master or Seaman of Ship.

11 & 12 W. 3. c. 7. s. 9. made perpetual by 6 G. 1. c. 19. 7 W. 4. & 1 Vict. c. 88. ss. 3. 5.

LXXVII. Whosoever, being a Commander, Master, or an Officer, Seaman, or Mariner, of any Ship belonging to the Queen or to any Subject of the Queen, shall, in any Place where the Admiral has Jurisdiction, betray his Trust, and turn Pirate, Enemy, or Rebel, and piratically or feloniously run away with, or yield up voluntarily to any Pirate, his Ship, or any Barge, Boat, Ordnance, Ammunition, Goods, or Merchandise, or shall bring any seducing Message from any Pirate, Enemy, or Rebel, or consult, combine, or confederate with or attempt or endeavour to corrupt any Commander, Master, Officer, Seaman, or Mariner to yield up or run away with any Ship, Goods, or Merchandise, or turn Pirate, or go over to Pirates; and whosoever shall lay violent Hands on his Commander, whereby to hinder him from fighting in the Defence of his Ship and Goods committed to his Trust, or shall confine his Master, or make or endeavour to make a Revolt in the Ship, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Forcibly boarding a Ship, and throwing the Goods overboard.

8 G. 1. c. 24. ss. 1. 4. made perpetual by 2 G. 2. c. 28. s. 7. 7 W. 4. & 1 Vict. c. 88. ss. 3. 5.

LXXVIII. Whosoever belonging to any Ship or Vessel whatsoever, upon meeting any Merchant Ship or Vessel on the Sea, or in any Port, Haven, or Creek whatsoever, shall forcibly board or enter into such Ship or Vessel, and, although he shall not seize and carry off such Ship or Vessel, shall throw overboard or destroy any Part of the Goods or Merchandise belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years, — or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Trading with Pirates.

LXXIX. Whosoever shall anywise trade with any Pirate, by Truck, Barter, Exchange, or in any other Manner, or shall furnish any Pirate, Felon,

Felon, or Robber upon the Seas with any Ammunition, Provision, or Stores of any kind, or shall fit out any Ship or Vessel knowingly and with a Design to trade with or supply or correspond with any Pirate, Felon, or Robber upon the Seas, or shall anyways consult, combine, confederate, or correspond with any Pirate, Felon, or Robber upon the Seas, knowing him to be guilty of any such Piracy, Felony, or Robbery, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years, —or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

8 G. 1. c. 24. s. 1. made perpetual by 2 G. 2. c. 28. s. 7. 7 W. 4. & 1 Vict. c. 88. ss. 3. 5.

As to receiving Stolen Goods:

LXXX. Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, embezzling, extorting, or obtaining whereof shall amount to a Felony, either at Common Law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, embezzled, extorted, or obtained, shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact or for a substantive Felony, and in the latter Case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without Whipping: Provided, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Receiving, where the Principal is guilty of Felony. 7 & 8 G. 4. c. 29. ss. 4. 54.

LXXXI. Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made a Misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, or converted, shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any

Receiving, where the Principal has been guilty of a Misdemeanor. 7 & 8 G. 4. c. 29. ss. 4. 55.

any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without Whipping.

Indictment for stealing and receiving. 11 & 12 Vict. c. 46. s. 3.

LXXXII. In any Indictment for feloniously stealing Property, it shall be lawful to add a Count for feloniously receiving the same Property, knowing it to have been stolen, and in any Indictment for feloniously receiving Property knowing it to have been stolen it shall be lawful to add a Count for feloniously stealing the same Property; and where any such Indictment shall have been preferred and found against any Person, the Prosecutor shall not be put to his Election, but it shall be lawful for the Jury who shall try the same to find a Verdict of Guilty, either of stealing the Property, or of receiving it knowing it to have been stolen; and if such Indictment shall have been preferred and found against Two or more Persons it shall be lawful for the Jury who shall try the same to find all or any of the said Persons guilty either of stealing the Property or of receiving it knowing it to have been stolen, or to find One or more of the said Persons guilty of stealing the Property, and the other or others of them guilty of receiving it knowing it to have been stolen.

Receiver, where triable. 7 & 8 G. 4. c. 29. s. 56.

LXXXIII. Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, may, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished in the County or Place where he actually received such Property.

Receivers of Property, where the original Offence is punishable on Summary Conviction. 7 & 8 G. 4. c. 29. s. 60

LXXXIV. Where the stealing or taking of any Property whatsoever is by this Act punishable on Summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property knowing the same to be unlawfully come by shall, on Conviction thereof before a Justice of the Peace, be liable for every First, Second, or subsequent Offence of receiving to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

LXXXV. Who-

LXXXV. Whosoever shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on Summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, shall, on Conviction before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

Abettors in Offences punishable on Summary Conviction. 7 & 8 G. 4. c. 29. s. 62.

As to Restitution and Recovery of Stolen Property:

LXXXVI. If any Person guilty of any such Felony or Misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, or converting, or in knowingly receiving any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for such Offence, by or on the Behalf of the Owner of the Property, or his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from Time to Time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner: Provided, that if it shall appear before any Award or Order made that any valuable Security shall have been bonâ fide paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument shall have been bonâ fide taken or received by Transfer or Delivery, by some Person or Body Corporate, for a just and valuable Consideration, without any Notice or without any reasonable Cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained, extorted, embezzled, or converted, in such Case the Court shall not award or order the Restitution of such Security.

The Owner of stolen Property prosecuting Thief or Receiver to Conviction shall have Restitution of his Property. 7 & 8 G. 4. c. 29. s. 57.

Exception.

LXXXVII. Whosoever shall corruptly take any Money or Reward, directly or indirectly, under pretence or upon account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever which shall by any Felony or Misdemeanor have been stolen, taken, obtained, extorted, embezzled, or converted, as in this Act before mentioned, shall (unless he cause the Offender to be apprehended and brought to Trial for the same) be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard

Taking a Reward for helping to the Recovery of Stolen Property without bringing the Offender to Trial. 7 & 8 G. 4. c. 29. s. 58.

Labour, and with or without Solitary Confinement, and, if a Male, with or without Whipping.

Advertising a Reward for the Return of Stolen Property, &c. 7 & 8 G. 4. c. 29. s. 59.

LXXXVIII. Whosoever shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without seizing or making any Inquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or shall print or publish any such Advertisement, shall forfeit the Sum of Fifty Pounds for every such Offence, to any Person who will sue for the same by Action of Debt, to be recovered with full Costs of Suit.

As to Apprehension of Offenders, and other Proceedings:

A Person in the Act of committing any Offence may be apprehended without a Warrant. 7 & 8 G. 4. c. 29 s. 63.

LXXXIX. Any Person found committing any Offence punishable, either upon Indictment or upon Summary Conviction, by virtue of this Act, except only the Offence of Angling in the Daytime, may be immediately apprehended without a Warrant by any Peace Officer, or by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of Stolen Goods;

A Justice, upon good Grounds of Suspicion proved on Oath, may grant a Search Warrant.

Any Person to whom Stolen Property is offered may seize the Party offering it.

and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend and forthwith to take before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

Limitation as to Summary Proceedings. 7 & 8 G. 4. c. 29. s. 64.

XC. The Prosecution for every Offence punishable on Summary Conviction under this Act shall be commenced within Three Months after the Commission of the Offence, and not otherwise.

XCI. Where

Mode of compelling the Appearance of Persons punishable on Summary Conviction. 7 & 8 G. 4. c. 29. s. 65.

XCI. Where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any Offence punishable on Summary Conviction under this Act, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case ex parte, or issue his Warrant for apprehending such Person, and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), issue such Warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Application of Forfeitures and Penalties on Summary Convictions. 7 & 8 G. 4. c. 29. s. 66. 18 & 19. Vict. c. 126. s. 22.

XCII. Every Sum of Money which shall be forfeited on any Summary Conviction for the Value of any Property stolen or taken, or for the Amount of any Injury done (such Value or Amount to be assessed in each Case by the convicting Justice), shall be paid to the Party aggrieved, except where he is unknown, and in that Case such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Value or Amount or otherwise, shall be paid to some One of the Overseers of the Poor or to some other Officer (as the Justice may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the General Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such General Rate: and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Directions for the Payment thereof to any Person: Provided, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Value of the Property or to the Amount of the Injury, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One of such Offenders only; and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

Proviso.

If a Person summarily convicted shall not pay, &c., the Justice may commit him.

XCIII. In every Case of a Summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property

stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid, either immediately after the Conviction, or within such Period as the Justice shall at the Time of the Conviction appoint, the convicting Justice (unless where otherwise specially directed) may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Months, where the Amount of the Sum forfeited or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Four Months where the Amount, with Costs, shall not exceed Ten Pounds, and for any Term not exceeding Six Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Scale of Imprisonment.

Justice may discharge the Offender in certain Cases. 7 & 8 G. 4. c. 29. s. 68.

XCIV. Where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, the Justice may, if he shall so think fit, discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved for Damages and Costs, or either of them, as shall be ascertained by the Justice.

Pardon for Nonpayment of Money. 7 & 8 G. 4. c. 29. s. 69.

XCV. Her Majesty may extend Her Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

A Summary Conviction shall be a Bar to any other Proceeding for the same Cause. 7 & 8 G. 4. c. 29. s. 70.

XCVI. In case any Person convicted of any Offence punishable upon Summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first instance, or shall have been so discharged from his Conviction by any Justice, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Appeal. 7 & 8 G. 4. c. 29. s. 72.

XCVII. In all Cases where the Sum adjudged to be paid on any Summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County or Place wherein the Cause of Complaint shall have arisen; provided, that such Person shall

shall give to the Complainant a Notice in Writing of such Appeal and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c. 7 & 8 G. 4. c. 29. s. 73.

XCVIII. No such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions. 7 & 8 G. 4. c. 29. s. 74.

XCIX. Every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

How far Evidence in future Cases.

Venue, in Proceedings against Persons acting under this Act.

Notice of Action.

C. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Month at least before

General Issue, &c. 7 & 8 G. 4. c. 29. s. 75.

the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant has by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

As to other Matters:

Stealers of Property in Scotland or Ireland who have the same in England, and Receivers in England of Property stolen in Scotland or Ireland, may be tried and punished in England. 7 & 8 G. 4. c. 29. s. 76. (in part.)

CI. If any Person having stolen or otherwise feloniously taken any Chattel, Money, valuable Security, or other Property whatsoever, in Scotland or Ireland, shall afterwards have the same in his Possession in any Part of England, he may be dealt with, indicted, tried, and punished for Larceny or Theft in that Part of England where he shall so have such Property, in the same Manner as if he had actually stolen or taken it in that Part; and if any Person in England shall receive or have any Chattel, Money, valuable Security, or other Property whatsoever which shall have been stolen or otherwise feloniously taken in any other Part of the United Kingdom, such Person knowing such Property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such Offence in that Part of England where he shall so receive or have such Property, in the same Manner as if it had been originally stolen or taken in that Part.

Offences committed at Sea. 7 & 8 G. 4 c. 29. s. 77.

CII. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of England shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in England, and may be dealt with, inquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of England; provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

CIII. In

Fine, and Sureties for the Peace, in what Cases.

CIII. In all Cases where any Person shall be convicted of a Misdemeanor under this Act, it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to find Sureties for keeping the Peace and being of good Behaviour, both or either; and in all Cases of Felonies in this Act mentioned, not punishable with Death, it shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace, in addition to any of the Punishments by this Act authorized.

Hard Labour, Solitary Confinement, and Whipping.

CIV. Where Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction; and where Solitary Confinement may be awarded for any indictable Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and where Whipping may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be once, twice, or thrice publicly or privately whipped.

The Costs of the Prosecution of Offences against this Act may be allowed.

CV. The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony, and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Act to extend to England only.

CVI. Nothing in this Act contained shall extend to Scotland or Ireland, except as herein-before otherwise expressly provided.

Commencement of Act.

CVII. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Larceny, &c.

A

B I L L

INTITULED

An Act to consolidate and amend the Sta
Law of England relating to Larceny
other similar Offences.

(*Brought from the Lords* 23 *July* 1857.)

Ordered, by The House of Commons, *to be Print*
23 *July* 1857.

[Bill 156.]

Under 6 *oz.*

15 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Amend the Act of the Nineteenth and Twentieth Years of Her Majesty, to facilitate Leases and Sales of Settled Estates.

Preamble.

WHEREAS the Twentieth and Twenty-first Sections and Part of the Twenty-sixth Section of the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and twenty, to facilitate Leases and Sales of Settled Estates, are calculated to deprive certain Individuals of Advantages enjoyed by others similarly circumstanced, and to diminish the beneficial Effect of the rest of the Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 120.

Sections 20 and 21 of recited Act repealed.

I. The Twentieth and Twenty-first Sections of the said Act are hereby repealed.

Section 26 amended.

II. The Twenty-sixth Section of the said Act shall stand as follows:

XXVI. The Court shall be at liberty to exercise any of the Powers conferred on it by this Act, whether the Court shall

have already exercised any of the Powers conferred by this Act in respect of the same Property or not; but no such Powers shall be exercised if an express Declaration that they shall not be exercised shall be contained in the Settlement; and the Circumstance of the Settlement containing Powers to effect similar Purposes shall not preclude the Court from exercising any of the Powers conferred by this Act, if it shall think that the Powers contained in the Settlement ought to be extended.

Estates Act Amendment.

A

BILL

To amend the Act of the Nineteenth and Twentieth Years of Her Majesty, to facilitate Leases and Sales of Settled Estates.

(*Prepared and brought in by Mr. Whiteside and Mr. Malins.*)

Ordered, by The House of Commons, *to be Printed,* 15 *June* 1857.

[Bill 64.]

Under 1 *oz.*

Libel Bill.

REPORT.

This Bill consolidates the Statute Law of England and Ireland relating to Libel.

It comprises the following Enactments:

32 Geo. 3. c. 60., commonly called Fox's Act.
33 Geo. 3. 43., Irish Act.
3 Vict. c. 9.
5 & 6 Vict. c. 38. s. 1. in part.
6 & 7 Vict. c. 96., Lord Campbell's Act.
8 & 9 Vict. c. 75.

As the Law of England and Ireland is the same with relation to the Matters contained in this Bill, it is extended to both Countries.

As either Civil or Criminal Proceedings may be taken in respect of any Libel, it would seem expedient that the Enactments relating as well to Civil as to Criminal Proceedings in Cases of Libel should be contained in the same Bill, and at present Lord Campbell's Act and the 3 Vict. c. 9. embrace both Modes of proceeding, and it would not only be inexpedient to separate them into Two Bills, but in the Case of the 3 Vict. c. 9. the only Effect would be to make Two Bills instead of One. It has, therefore, been considered better to include Civil as well as Criminal Provisions in this Bill.

No Alteration in the Law has been made in this Bill, but a few Words have been introduced in Section 1., in order to carry out the obvious Intention of the Clause in the 6 & 7 Vict. c. 96., and to prevent its Provisions being evaded. It has been extended to Threats to *cause* Libels to be published, and to Libels on the Dead. A liberal Construction of the Clause as it stands would probably include both these Cases, but it may be doubtful whether the strict Construction of such a Clause would do so, and it is better to remove such Doubts.

Libel Bill.

CONTENTS.

As to Criminal Proceedings for Libel:

1. *Publishing or threatening to publish a Libel with Intent to extort.*
2. *Defamatory Libel.*
3. *Publishing defamatory Libel, knowing the same to be false.*
4. *Plea and other Proceedings in Cases of Indictments for defamatory Libel.*
5. *Evidence as to rebut primâ facie Case of Publication by an Agent.*
6. *The Jury may give a general Verdict on the whole Matter, or find a Special Verdict. Judge may direct the Jury as in other Criminal Cases.*
7. *Costs in such Cases.*
8. *Justices and Recorders not to try Libels.*

As to Civil Proceedings for Libel:

9. *Declaration for Libel or Slander.*
10. *Plea in such Action brought in England.*
11. *Offer of an Apology admissible in Evidence in Mitigation of Damages.*
12. *In an Action against a Newspaper for Libel the Defendant may plead that it was inserted without Malice or Neglect, and may pay Money into Court.*
13. *Defendant not to plead such Plea without paying Money into Court by way of Amends.*

As to staying Civil or Criminal Proceedings for the Publication of Parliamentary Papers:

14. *Proceedings Criminal or Civil for publishing Papers printed by Order of Parliament may be stayed upon Delivery of a Certificate and Affidavit that such Publication is by Order of either House of Parliament.*
15. *Proceedings to be stayed when commenced in respect of an authenticated Report, &c.*
16. *In Proceedings for printing any Abstract of any such Report it may be shown that such Abstract was bonâ fide made.*
17. *Act not to affect the Privileges of Parliament.*
18. *Extent of Act.*
19. *Commencement of Act.*

A

B I L L

INTITULED

An Act to consolidate the Statute Law of England and Ireland relating to Libel.

WHEREAS it is expedient to consolidate the Statute Law of England and Ireland relating to Libel: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

As to Criminal proceedings for Libel:

I. Whosoever shall publish or threaten to publish or cause to be published any Libel upon any other Person, or shall, directly or indirectly, threaten to print or publish or cause to be printed or published, or shall, directly or indirectly, propose to abstain from printing or publishing, or shall, directly or indirectly, offer to prevent the printing or publishing of any Matter or Thing touching any other Person, whether alive or dead, with Intent to extort any Money, Security for Money, or any valuable Thing from any Person, or with Intent to induce any Person to confer or procure for any Person any Office of Profit or Trust, shall be guilty of a Misdemeanour, and Publishing or threatening to publish a Libel with Intent to extort. 6 & 7 Vict. c. 96. s. 3.

being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Three Years, with or without Hard Labour.

Defamatory Libel. 6 & 7 Vict. c. 96. s. 5.

II. Whosoever shall maliciously publish any defamatory Libel shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to Fine or Imprisonment, or both, as the Court may award, such Imprisonment not to exceed the Term of One Year.

Publishing defamatory Libel, knowing the same to be false. 6 & 7 Vict. c. 96. s. 4.

III. Whosoever shall maliciously publish any defamatory Libel, knowing the same to be false, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any Term not exceeding Two Years, and to pay such Fine as the Court shall award.

Plea and other Proceedings in Cases of Indictments for Defamatory Libel. 6 & 7 Vict. c. 96. s. 6.

IV. On the Trial of any Indictment or Information for a defamatory Libel, the Defendant having pleaded such Plea as in this Section mentioned, the Truth of the Matters charged may be inquired into, but shall not amount to a Defence, unless it was for the Public Benefit that the said Matters charged should be published; and to entitle the Defendant to give Evidence of the Truth of such Matters charged as a Defence to such Indictment or Information, it shall be necessary for the Defendant in pleading to the said Indictment or Information to allege the Truth of the said Matters charged in the Manner now required in pleading a Justification to an Action for Defamation, and further to allege that it was for the Public Benefit that the said Matters charged should be published, and the particular Fact or Facts by reason whereof it was for the Public Benefit that the said Matters charged should be published; to which Plea the Prosecutor shall be at liberty to reply generally, denying the whole thereof; and if after such Plea the Defendant shall be convicted on such Indictment or Information, it shall be competent to the Court, in pronouncing Sentence, to consider whether the Guilt of the Defendant is aggravated or mitigated by the said Plea, and by the Evidence given to prove or to disprove the same: Provided, that the Truth of the Matters charged in the alleged Libel complained of by such Indictment or Information shall in no Case be inquired into without such Plea of Justification: Provided also, that, in addition to such Plea, it shall be competent to the Defendant to plead a Plea of Not Guilty: Provided also, that nothing in this Section contained shall take away or prejudice any Defence under the Plea of Not Guilty, which it is now competent to the Defendant to make under such Plea to any Action or Indictment or Information for defamatory Words or Libel.

V. When-

Evidence to rebut primâ facie Case of Publication by an Agent. 6 & 7 Vict. c. 96. s. 7.

V. Whensoever, upon the Trial of any Indictment or Information for the Publication of a Libel, under the Plea of Not Guilty, Evidence shall have been given which shall establish a presumptive Case of Publication against the Defendant by the Act of any other Person by his Authority, it shall be competent to such Defendant to prove that such Publication was made without his Authority, Consent, or Knowledge, and that the said Publication did not arise from Want of due Care or Caution on his Part.

The Jury may give a general Verdict on the whole Matter; 32 G. 3. c 60. s. 1. 33 G. 3. c. 43. s. 1. (Ir.)

or find a Special Verdict: s. 3.

Judge may direct the Jury, as in other Criminal Cases. s. 2.

VI. Upon the Trial of any Indictment or Information for making or publishing a Libel where any Issue is joined on the Plea of Not Guilty, the Jury may give a general Verdict of Guilty or Not Guilty upon the whole Matter put in Issue, and shall not be required or directed by the Court or Judge before whom such Indictment or Information shall be tried to find the Defendant Guilty merely on Proof of the Publication by such Defendant of the Paper charged to be a Libel, and of the Sense ascribed to the same in such Indictment or Information: Provided, that nothing in this Section contained shall extend or be construed to extend to prevent the Jury from finding a Special Verdict, in their Discretion, as in other Criminal Cases: Provided also, that on every such Trial the Court or Judge shall, according to their or his Discretion, give their or his Opinion and Directions to the Jury on the Matter in Issue in like Manner as in other Criminal Cases.

Costs in such Cases. 6 & 7 Vict. c. 96. s. 8.

VII. In the Case of any Indictment or Information by a private Prosecutor for the Publication of any defamatory Libel, if Judgment shall be given for the Defendant, he shall be entitled to recover from the Prosecutor the Costs sustained by the said Defendant by reason of such Indictment or Information; and upon a special Plea of Justification to such Indictment or Information, if the Issue be found for the Prosecutor, he shall be entitled to recover from the Defendant the Costs sustained by the Prosecutor by reason of such Plea, such Costs so to be recovered by the Defendant or Prosecutor respectively to be taxed by the proper Officer of the Court before which the said Indictment or Information is tried.

Justices and Recorders not to try Libels. 5 & 6 Vict. c. 38. s. 1.

VIII. Neither the Justices of the Peace acting in and for any County, Riding, Division, or Liberty in England, nor the Recorder of any Borough in England, shall at any Session of the Peace, or at any Adjournment thereof, try any Person for composing, printing, or publishing any defamatory Libel.

As to Civil Proceedings for Libel:

Declaration for Libel or Slander.

IX. In Actions of Libel and Slander the Plaintiff shall be at liberty to aver that the Words or Matter complained of were used in a

15 & 16 Vict. c. 76. s. 61. 16 & 17 Vict. c. 113. s. 65.

defamatory Sense, specifying such alleged defamatory Sense, without prefatory Averment to show how such Words or Matter were used in that Sense.

Plea in such Action brought in England.

15 & 16 Vict. c. 76. s. 61. in part.

X. In England, such Averment as is in the last Clause mentioned shall be put in Issue by the Denial of the alleged Libel or Slander; and where the Words or Matter set forth, with or without the alleged Meaning, show a Cause of Action, the Declaration shall be sufficient.

Offer of an Apology admissible in Evidence in Mitigation of Damages.

6 & 7 Vict. c. 96. s. 1.

XI. In any Action for Defamation it shall be lawful for the Defendant (after Notice in Writing of his Intention so to do, duly given to the Plaintiff at the Time of delivering the Plea in such Action,) to give in Evidence in Mitigation of Damages that he made or offered an Apology to the Plaintiff for such Defamation before the Commencement of the Action, or as soon afterwards as he had an Opportunity for doing so, in case the Action shall have been commenced before there was an Opportunity of making or offering such Apology.

In an Action against a Newspaper for Libel, the Defendant may plead that it was inserted without Malice or Neglect, and may pay Money into Court.

6 & 7 Vict. c. 96. s. 2. 8 & 9 Vict. c. 75. s. 1.

XII. In an Action for a Libel contained in any public Newspaper or other periodical Publication, it shall be competent to the Defendant to plead that such Libel was inserted in such Newspaper or other periodical Publication without actual Malice and without gross Negligence, and that before the Commencement of the Action, or at the earliest Opportunity afterwards, he inserted in such Newspaper or other periodical Publication a full Apology for the said Libel, or if the Newspaper or periodical Publication in which the same Libel appeared should be ordinarily published at Intervals exceeding One Week, had offered to publish the said Apology in any Newspaper or periodical Publication to be selected by the Plaintiff in such Action; and every such Defendant shall upon pleading such Plea be at liberty to pay into Court a Sum of Money by way of Amends for the Injury sustained by the Publication of such Libel, and such Payment into Court shall be of the same Effect, and be available in the same Manner and to the same Extent, and be subject to the same Rules and Regulations, as to Payment of Costs and the Form of pleading, except so far as regards the pleading of the additional Facts in this Section required to be pleaded by such Defendant, as in other personal Actions in which it is lawful to pay Money into Court; and to such Plea to such Action it shall be competent to the Plaintiff to reply generally, denying the whole of such Plea.

Defendant not to plead such Plea without

XIII. It shall not be competent to any Defendant in such Action to plead any such Plea without making a Payment of Money into Court

Court by way of Amends as provided in the last preceding Section, but every such Plea so pleaded without Payment of Money into Court shall be deemed a Nullity, and may be treated as such by the Plaintiff in the Action.

paying Money into Court by way of Amends. 8 & 9 Vict. c. 75. s. 2.

As to staying Civil or Criminal Proceedings for the Publication of Parliamentary Papers:

XIV. It shall be lawful for any Defendant in any Civil or Criminal Proceeding commenced or prosecuted in any Manner soever, for or on account or in respect of the Publication by him or his Servant, by or under the Authority of either House of Parliament, of any such Report, Paper, Votes, or Proceedings of either House of Parliament as such House of Parliament shall deem fit or necessary to be published, to bring before the Court in which such Proceeding shall be so commenced or prosecuted, or before any Judge of the same (if One of the Superior Courts at Westminster), first giving Twenty-four Hours Notice of his Intention so to do to the Prosecutor or Plaintiff in such Proceeding, a Certificate under the Hand of the Lord High Chancellor of Great Britain, or of the Lord Keeper of the Great Seal, or of the Speaker of the House of Lords for the Time being, or of the Clerk of the Parliaments, or of the Speaker of the House of Commons, or of the Clerk of the same House, stating that the Report, Paper, Votes, or Proceedings, as the Case may be, in respect whereof such Civil or Criminal Proceeding shall have been commenced or prosecuted, was published by such Person, or by his Servant or Servants, by Order or under the Authority of the House of Lords or of the House of Commons, as the Case may be, together with an Affidavit verifying such Certificate; and such Court or Judge shall thereupon immediately stay such Civil or Criminal Proceeding, and the same, and every Writ or Process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

Proceedings Criminal or Civil for publishing Papers printed by Order of Parliament may be stayed upon Delivery of a Certificate and Affidavit that such Publication is by order of either House of Parliament. 3 Vict. c. 9. s. 1.

XV. In case of any Civil or Criminal Proceeding for or on account or in respect of the Publication of any Copy of such Report, Paper, Votes, or Proceedings, it shall be lawful for the Defendant at any Stage of the Proceedings to lay before the Court or Judge such Report, Paper, Votes, or Proceedings, and such Copy, with an Affidavit verifying such Report, Paper, Votes, or Proceedings, and the Correctness of such Copy; and the Court or Judge shall immediately stay such Civil or Criminal Proceeding, and the same and every Writ or Process issued therein shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

Proceedings to be stayed when commenced in respect of an authenticated Report, &c. 3 Vict. c. 9. s. 2.

In Proceedings for printing any Abstract of any such Report, it may be shown that such Abstract was bonâ fide made.
3 Vict. c. 9. s. 3.
16 & 17 Vict. c. 113. s. 39.

XVI. In any Civil or Criminal Proceeding to be commenced or prosecuted for printing any Extract from or Abstract of such Report, Paper, Votes, or Proceeding, it shall be lawful to give in Evidence under the General Issue, or, in Ireland, Defence, such Report, Paper, Votes, or Proceedings, and to show that such Extract or Abstract was published bonâ fide and without Malice; and if such shall be the Opinion of the Jury, a Verdict of Not Guilty shall be entered for the Defendant.

Act not to affect the Privileges of Parliament.
3 Vict. c. 9. s. 4.

XVII. Provided, That nothing herein contained shall be deemed or taken, or held or construed, directly or indirectly, by Implication or otherwise, to affect the Privileges of Parliament in any Manner whatsoever.

Extent of Act.

XVIII. This Act shall not extend to Scotland.

Commencement of Act.

XIX. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Libel.

A

B I L L

INTITULED

An Act to consolidate the Statute Law of England and Ireland relating to Libel.

(Brought from the Lords 23 July 1857.)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1857.

[Bill 157.]

Under 2 *oz.*

A

B I L L

TO

Revive and continue an Act to amend the Laws relating to Loan Societies.

WHEREAS an Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, "to amend the Laws relating to Loan Societies," which Act was limited to continue until the Thirty-first Day of December One thousand eight hundred and forty-one, but has been continued by sundry Acts, and lastly by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and nine, until the End of the last Session of Parliament: And whereas it is expedient that the said Act of the Third and Fourth Years of Her Majesty should be revived and continued for a limited Time, and that Societies established under the said Act should be enabled to wind up their Affairs after the Expiration of such Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 3 & 4 Vict. c. 110.

I. The said Act of the Third and Fourth Years of Her Majesty shall continue in force until the *First Day of August One thousand eight* 3 & 4 Vict. c. 110. revived and continued.

eight hundred and fifty-eight, and this Act shall be deemed and taken to have effect from the Expiration of the Time limited for the Continuance of the said Act hereby continued by the said Act of the Sixteenth and Seventeenth Years of Her Majesty, as fully and effectually, to all Intents and Purposes, as if this Act had actually passed before the Expiration of the Time so limited.

After Expiration of 3 & 4 Vict. c. 110. Provisions to remain in force as to existing Societies, save as to new Loans.

II. After the Termination of the Period limited by this Act for the Continuance of the said Act of the Third and Fourth Years of Her Majesty the Provisions of the said Act, and all Rules certified thereunder, shall, notwithstanding the Expiration of the said Act, remain and be in force as regards any Society theretofore established thereunder and then subsisting, and the Securities taken by such Society, until the Affairs of such Society shall be wound up, and the Assets thereof divided; save only that no new Loan shall be made by such Society under the Authority of the said Act after such Expiration.

Repealed Provision of 5 & 6 W. 4. c. 23. not to be revived.

III. The Expiration of the said Act of the Third and Fourth Years of Her Majesty shall not operate to revive any Part of the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Twenty-three, repealed by the first-mentioned Act; but so much of the said Act of King William the Fourth as was thereby repealed shall continue repealed notwithstanding such Expiration.

Loan Societies.

A

BILL

To revive and continue an Act to amend the Laws relating to Loan Societies.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1857.

[Bill 118.]

Under 1 *oz.*

18 *June* 1857. 20 Vict. (Sess. 2.)

(Scotland.)

A

BILL

FOR

The Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act to regulate Madhouses in Scotland;" and another Act was passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act for altering and amending an Act "passed in the Fifty-fifth Year of the Reign of His late Majesty, "intituled 'An Act to regulate Madhouses in Scotland;'" and another Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her Majesty, intituled "An Act to alter and amend certain Acts regulating "Madhouses in Scotland, and to provide for the Custody of "dangerous Lunatics;" and it is expedient that the said recited Acts be repealed, and that more efficient Provision be made for the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in

55 G. 3. c. 69.

9 G. 4. c. 34.

4 & 5 Vict. c. 60.

in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of the recited Acts.

I. From and after the *First Day of January One thousand eight hundred and fifty-eight*, the recited Acts shall be and are hereby repealed.

Officers to continue till recalled, and Orders made under the repealed Acts to be good.

II. The Inspectors, Medical Officers, and all other Officers or Servants appointed under or in virtue of the recited Acts, or any of them, shall continue to discharge the Duties of their respective Offices until they shall be re-appointed, or superseded by the Appointment of other Persons, Officers, and Servants to discharge the Duties now performed by them; and all Licences heretofore granted under the recited Acts or any of them shall remain in force until the Expiration of the Periods for which they were respectively granted, or until they are revoked under the Powers of this Act; and all Orders, Matters, and Things granted, made, done, or directed to be done in pursuance of the recited Acts, or any of them, shall be and remain as good, valid, and effectual, to all Intents and Purposes, as if the said Acts had not been repealed, excepting in so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and all Fees, Charges, Liabilities, and Expenses due, payable, or prestable under the said Acts, or any of them, shall be payable and prestable from the same Funds and Sources as would have been applicable to such Payments, and otherwise in the like Manner as if the said Acts had not been repealed.

Interpretation of Words.

III. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Words "the Board" shall mean the Board to be appointed under the Authority of this Act for the Superintendence and Care of Asylums and Lunatics; the Words "Public Asylum" shall mean and include all such Hospitals, Madhouses, or Asylums as are or shall be established for the Custody of Lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the Maker thereof has directed the Appropriation of Funds to the establishing and maintaining any Lunatic Asylum or Hospital, or any Establishment administering Funds for charitable Purposes, without any View to any pecuniary Gain or Profit arising to the Establishment or to the Estate or Funds of the Trust or Charity, and also all Hospitals, Madhouses, or Asylums, other than District Asylums, into which Lunatics committed by Order and Certificate, as herein-after provided, cannot be refused Access or Reception, without special Cause shown; the Words "Private Asylum" shall

shall mean and include all such licensed Madhouses or Asylums as are established for the Reception of more than One Lunatic under the Provisions of this Act, and kept for the pecuniary Gain or Profit of the Proprietors or Keepers thereof or others interested therein, and into which the Admission of Lunatics is a Matter of Arrangement between the Keeper thereof and the Party seeking or promoting the Reception of the Lunatic therein; the Words "District Asylum" shall mean an Asylum, in Terms of this Act, of One of the Districts described in the Schedule (H.) hereunto annexed; the Words "House, in Terms of this Act," shall mean any House in which a single Lunatic is kept under an Order of the Sheriff; the Word "Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor, and all Persons having any pecuniary Interest therein or in the Profits to be derived therefrom; the Words "Medical Person" shall mean any Person being a Member or Licentiate of one or other of the Royal Colleges of Physicians or Surgeons in Edinburgh or London, or holding a Diploma from the Faculty of Physicians and Surgeons of Glasgow, or being a Fellow or Licentiate of the King and Queen's College of Physicians in Dublin, or of the College of Surgeons in Dublin, or holding the Degree of Doctor of Medicine from One of the Universities of Scotland, England, or Ireland, or having a Right to practise Medicine or Surgery from having served in the Army or Navy, and being in actual Practice as such Physician, Surgeon, or otherwise as aforesaid; the Word "Lunatic" shall mean and include any mad or furious or fatuous Person, or Person so diseased or affected in Mind as to render him unfit in the Opinion of competent Medical Persons to be at large, either as regards his own personal Safety and Conduct, or the Safety of the Persons and Property of others or of the Public; the Word "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; the Words "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and the Magistrates and Council of Burghs; the Expression "Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; the Word "Secretary" shall mean the Secretary to be appointed under this Act; the Expression "Judicial Factor" shall mean and include any Person having charge of Property of a Lunatic, whether as Judicial Factor, Factor Loco Tutoris, Factor Loco Absentis, Curator Bonis, or Tutor Dative, or by reason of Service as Tutor at Law, or as Curator; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include the Sheriff Substitutes; the Words "Sheriff Clerk" shall mean the Sheriff Clerk

and Sheriff Clerk Depute of the County of which he is Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute; the Word "Person" and the Word "Owner" shall extend to Trustees and to Bodies Politic or Corporate as well as to Individuals; and the Word "Month" shall mean Calendar Month.

IV. There shall be constituted for the Purposes of this Act a Board to be called the General Board of Commissioners in Lunacy for Scotland, in manner following:—

1. Three Persons shall be appointed by Her Majesty, One of whom shall be an unpaid Commissioner and Chairman of the Board, and Two of whom shall be paid Commissioners, and shall receive a Salary not exceeding per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury: Provided always, that One of such paid Commissioners, and One only, shall be a Medical Person:

2. It shall be lawful to Her Majesty as often as shall seem expedient, by Warrant under the Hand of the Secretary of State for the Home Department, to appoint not more than Three Persons in all at One Time, to be unpaid Commissioners in Lunacy, for such Period as may be specified in such Warrant:

3. The Chairman of the Board shall be entitled ex-officio to have a Seat at and attend the Meetings of the Board of Commissioners of Lunacy in England, and take the Advice of the said Board in any Matters relating to the Execution of this Act; and it shall be in the Power of the said Board of Commissioners in Lunacy in England to appoint any Two unpaid Commissioners of their own Number to have a Seat at and attend the Meetings of the Board of Commissioners in Lunacy in Scotland:

4. All Vacancies in the Board may be supplied in like Manner from Time to Time as they occur.

Meetings of the Board.

V. The Board shall have an Office at Edinburgh for the Transaction of their Business, and shall meet there, or at such temporary Place as shall be fixed for the Purpose, upon the *First* Day of *September* next, or upon the first convenient Day within Ten Days thereafter (of which due Notice shall be given by the Secretary to each of the Members of the Board), and shall thereafter hold *Two* General Meetings in each Year, One upon the *First Wednesday* in *February* and the other upon the *First Wednesday* in *September*; and at such First Meeting, and at all other Meetings of the Board, *Three* of the Members shall be a Quorum, with Power to act in all the Matters hereby committed to the Board; and the Board shall have

have Power to adjourn for such Time and to such Place as they shall see fit, and to hold Special or pro re nata Meetings, which may be called by the Secretary in such Manner as the Board shall direct; and at all Meetings of the Board the Chairman shall have both an original and a casting Vote.

Board may name Committees.

VI. It shall be lawful to the Board, as often as they deem fit, to appoint any *Two* or more of their Number as a Committee for the Purposes of this Act, or for any Part of such Purposes as the Board may direct, and if more than *Two* to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board; and such Committee shall report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the Board at its next General Statutory Meeting.

Commissioners to take Oath of Office and Secrecy.

Form of Oath.

VII. Every Commissioner shall, before he acts in the Execution of his Duty, take an Oath to the following Effect; (that is to say,)

'I A.B. do swear, That I will discreetly, impartially, and faithfully execute all the Trusts and Powers committed to me by virtue of an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [here insert the Title of this Act], and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office, except when required to divulge the same by legal Authority, or so far as I shall feel myself called upon to do so for the better Execution of the Duty imposed upon me by the said Act.

'So help me GOD.'

Which Oath it shall be lawful for the Lord Justice General of Scotland to administer.

Commissioners not to derive Profit for discharging the Duties of their Office.

VIII. The Commissioners shall not derive any Profit or Emolument for the Discharge of the Duties of their Office, excepting as herein mentioned, nor shall they be personally responsible for anything done bonâ fide in the Execution of this Act, or in the Exercise of the Powers herein contained.

Powers of Commissioners.

IX. The Board, over and above the Powers hereby specially committed to them, shall have the Superintendence, Management, Direction, and Regulation of all Matters arising under this

Act in relation to Lunatics, and to Public, Private, and District Asylums, and to every House in which a Lunatic is kept or detained under an Order of the Sheriff, as herein-after provided, and shall have the Power of granting or refusing Licences to the Proprietors of Private Asylums, and of renewing or transferring any such Licences, and of recalling or suspending the same; and it shall be lawful for the Board from Time to Time to make and establish such Rules and Regulations as they may deem necessary towards the good Order and Management of all Private and District Asylums, and the Conduct and Duties of the Superintendents, Officers, and Servants thereof, and of the Inspectors, Secretary, Clerk, Officers, and Servants appointed under the Authority of this Act, and to enforce such Rules and Regulations, by Forfeiture of the Licence of any Party not observing the same, and by Recovery of the Penalties authorized by this Act: Provided always, that all such Rules and Regulations shall, before being put into execution, be approved of by One of Her Majesty's Principal Secretaries of State, and such Rules and Regulations shall also be submitted to both Houses of Parliament, if Parliament be then sitting, and if Parliament be not sitting, then within *Fourteen* Days after the Meeting of the next Session of Parliament: Provided also, that nothing in this Act contained, unless where otherwise specially provided, shall be construed to extend to any Public Asylum existing at the passing of this Act, further than to enable the Board to authorize and regulate the Inspection and Visitation of such Asylums, and to make and enforce such Rules and Regulations as they shall think necessary in relation to the Books or Minutes to be kept or made, and the Returns of the Entries therefrom to be made to the Board by the Persons having the Management and Care of such Asylums.

Future Public Asylums subject to Act.

X. Provided further, That all such Public Asylums as may be endowed, founded, or established after *the passing of this Act*, and all Additions to any existing Public Asylum to be hereafter made, shall be under and subject to such and the like Powers and Provisions as existing Public Asylums are by this Act made subject to.

Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.

XI. It shall be lawful for the Board to institute, in such Manner as they shall think fit, an Investigation or Inquiry into any Case falling under the Provisions of this Act which they shall think it necessary or proper to inquire into; and in any Case in which it shall be necessary to obtain Evidence, it shall be lawful for the Board, from Time to Time as they shall see Occasion, with the Concurrence of the Lord Advocate of Scotland for the Time

Time being, or the Solicitor General for Scotland for the Time being acting for and in the Name of the Lord Advocate, to require, by Summons, according to the Form, as nearly as may be, of Schedule (A.) hereunto annexed, and which Summons, as well as the Execution and Service Copy thereof, may be either printed or written, or partly printed and partly written, any Person to appear before them to testify on Oath touching any Matter respecting which they are by this Act authorized to inquire, which Oath the Chairman of the Board is hereby authorized to administer; and such Summons shall contain a Warrant to Messengers at Arms and Sheriff Officers to serve the same; and it shall be lawful for any Messenger at Arms or Sheriff Officer to serve such Summons personally, or at the Dwelling Place of the Person named therein, in the same Form and Manner as Summonses and Citations may be served according to the Law of Scotland; and any Person who shall not appear before the Board pursuant to such Summons, or shall not assign some reasonable Excuse for not appearing, or shall appear and refuse to take the Oath or to be examined, shall, on being convicted thereof before the Sheriff, or before a Justice of the Peace of the County or Magistrate of the Burgh within which such Person has his ordinary Residence, or of the County or Burgh within which such Person shall have been by such Summons required to appear and give Evidence, for every such Neglect or Refusal forfeit a Sum not exceeding *Thirty Pounds*.

Payment of Expenses of Witnesses.

XII. It shall be lawful for the Board to direct the Secretary to pay to any Witness summoned as aforesaid the reasonable Expenses of his Appearance and Attendance in pursuance of such Summons, and the same shall be deemed to be Expenses incurred by the Board in the Execution of this Act, and be taken into account and paid accordingly.

Secretary to be appointed.

XIII. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removeable from his Office by Her Majesty, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, Her Majesty, and Her Heirs and Successors, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and the Secretary shall perform such Duties in the Execution of this Act as the Board shall direct, and shall, in all respects, be subject to the Inspection, Direction, and Control of the Board; and each Secretary shall find sufficient Security

for his Intromissions and Management to the Satisfaction of the Board.

Secretary to make annual Returns.

XIV. The Secretary shall annually transmit to the Commissioners of Her Majesty's Treasury, and there shall be annually laid before both Houses of Parliament, a Return exhibiting the Number of Orders granted by the Sheriffs for Admission of Lunatics into any Public, Private, or District Asylum or House, stating the Asylum or House to which such Order was sent, also the Number of Licences granted by the Board for the Continuance, Establishment, or Renewal of Private Asylums, and the Transfer of any such Licence from any one Asylum to another, and describing such Public, Private, and District Asylums by their respective Localities, and stating the Names of the Superintendents of each Asylum, and showing also the Number of Patients, Male and Female, received into and discharged from each Asylum, or removed or transferred from any one House to another, during the preceding Year.

Secretary to keep Books, Minutes, and Accounts, and Accounts to be annually furnished to the Commissioners of the Treasury, &c.

XV. The Secretary shall, under the Directions of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and accurate Accounts of all Monies received and paid by the Board or Secretary, and of all Charges and Expenses incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of August in each Year, and shall be signed by the Chairman of the Board and by One of the paid Commissioners, and shall specify the several Heads of Charge and Expenditure, and be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and may, if they shall deem it expedient, and where not inconsistent with any other Provision of this Act, direct the Balance (if any) to be paid into the Exchequer to the Account of the Consolidated Fund; and an Abstract of such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of March in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Month after the next Sitting of Parliament.

Clerk to be appointed.

XVI. It shall be lawful for the Board to appoint a Clerk, to whom there shall be paid a Salary not exceeding per Annum, and such Clerk shall be removable from his Office by the Board; and upon the Death, Resignation, or Removal of any such Clerk the Board shall appoint a Clerk in his Room; and every such Clerk shall perform such Duties in the Execution of this Act as the Board shall require of him, and shall, in the Performance of his Duties, and in all respects, be subject to the Inspection,

tion, Direction, and Control of the Board; and each Clerk shall, when so required by the Board, find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Appointment and Duties of Inspector General.

XVII. The Board shall, as soon after their First Meeting as may be convenient, make General Rules for the Inspection and Visitation of Public, Private, and District Asylums; and it shall be the Duty of the Two paid Commissioners to visit and inspect, at least *twice* in each Year, all the Public and Private and District Asylums, and every Outhouse, Place, or Building thereto belonging, and every House in which any Lunatic is detained under any Order of a Sheriff; and at each such Visitation they shall examine and inquire into the Condition of the Lunatics then confined in such Asylum or House, and also whether any Coercion or Restraint has been imposed on any such Lunatics, and shall record in the Patients Book of such Asylum the State of the Health generally, as well mental as bodily, of such Lunatics, and what Coercion or Restraint has been imposed upon any such Lunatics, and the Cause thereof, and specially such particular Cases as may appear to them to require Remark, and they shall also inquire into the Particulars of the Management and the Condition of each Asylum, as to its State of Repair, Heating, Ventilation, Cleanliness, Supply of Water, and otherwise, and shall see that the Number of Patients, of whom a correct List shall be furnished to them by the Superintendent of each Asylum, does not exceed the Number for which the Asylum is licensed, and that the Books or Registers hereby directed to be kept in each Asylum are regularly and correctly kept; and each Individual in the Management of any such Asylum or House, or connected therewith, shall disclose to the said Commissioners or either of them every Particular in relation to the keeping and Management thereof, and the Care of the Lunatics therein, into which they shall think fit to inquire; and the said Commissioners shall record in a Book to be kept by them all Inspections, stated and occasional, made by them, and the Particulars thereof, and shall communicate the same from Time to Time to the Board, for their Information; and, in addition to the stated Inspections before mentioned, the said Commissioners shall on all Occasions make any particular Visitation or Inquiry which the Board may direct into the Condition of any Public, Private, or District Asylum, or any special Circumstance therewith connected; and shall also be entitled, by Night or by Day, to visit any such Asylum or House, and to report to the Board the Condition thereof; and a Copy of all Entries of the said paid Commissioners, and of the Medical Inspectors herein-after appointed under this Act, in the Patients Book of such Asylum, shall be transmitted

mitted to the Board by the Superintendent of such Asylum within *Eight* Days after such Entries respectively are made, under a Penalty not exceeding *Ten Pounds* for each Offence in case of Failure.

Paid Commissioners to visit Lunatics in Prisons.

XVIII. The paid Commissioners shall and may, once or oftener in each Year, on such Day or Days, and at such Hours in the Day, and for such Length of Time as they shall think fit, visit any Prison in which there shall be, or be alleged or supposed to be, any Lunatic, and shall make all such Inquiries as to the Lunatics in such Prison as they shall deem proper, or as the Board may direct.

Paid Commissioners to visit Poorhouses.

XIX. The paid Commissioners shall and may, on such Day or Days, and at such Hours in the Day, and for such Length of Time as they shall think fit, visit all Poorhouses in which there shall be, or be alleged or supposed to be, any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out in the Parish in which any such Poorhouse shall be situate, and also as to the Dietary, Accommodation, and Treatment of the Lunatics in each such Poorhouse, and shall report in Writing thereon to the Parochial Board, and to the Board of Supervision, and to the Board.

Commissioners may take Assistance of Medical Persons.

XX. It shall be lawful for the Board, where they shall deem it necessary for the beneficial Execution of the Purposes of this Act, to take the Assistance of such Medical Persons, other than the said paid Medical Commissioner, as may be required, and the Expense attending such Assistance shall be defrayed in the Manner in which the Allowance of Medical Persons to be employed by the Board and the Sheriff are herein-after directed to be defrayed.

Oath to be taken by Officers.

XXI. Every Person appointed to be Secretary, Clerk, or Medical or District Inspector, under this Act, shall, before he acts in the Execution of his Duty as such Secretary, Clerk, or Inspector, take an Oath to the following Effect; (that is to say,)

'I A. B. do swear, That I will faithfully execute all such Trusts and 'Duties as shall be committed to my Charge as Secretary [or, 'as Clerk, or, as Medical or District Inspector, as the Case may 'be,] to the Board of Lunacy for Scotland, and that I will keep 'secret all such Matters as shall come to my Knowledge in the 'Execution of the Duties of the said Office (except when required 'by legal Authority to divulge the same).

'So help me GOD.'

'and

And which Oath it shall be lawful for the Chairman of the Board to administer.

Sheriff to visit and inspect Asylums.

XXII. It shall be lawful for the Sheriff at all Times, and he is hereby required, at least *Two* several Times in each Year, to visit and inspect, either alone or with some Medical Person, every Public, Private, and District Asylum and House within his Jurisdiction, in which any Lunatic is kept or detained under any Order of the Sheriff, and to institute Inquiry into the Care and Management of such Asylums and Houses, and into the Conduct of the Superintendents, Medical Persons, Officers, and Servants therein or connected therewith, and he shall report to the Board the Result of each such Inspection as soon after making the same as may be.

Justices of the Peace to visit and inspect Asylums.

XXIII. It shall be lawful for the Justices of the Peace of every County, and they are hereby required, to appoint, at a Quarter Sessions of the Peace to be held annually on the same Day on which the Michaelmas Meeting of Freeholders takes place, any *Three* of their Number to visit and inspect any Public, Private, or District Asylum situated in such County; and such *Three* Justices, or any *Two* of them, shall, once at least during the ensuing Year, visit and inspect such Asylums accordingly, and report thereupon to the Board.

Licences for Private Asylums, and Orders, and Certificates.

And with respect to the licensing of Private Asylums, and to Orders for the Reception of Lunatics, and Medical Certificates, under this Act, be it enacted:

On Application for Licence, Plan of the House to be exhibited.

XXIV. All Private Asylums shall be licensed by the Board, such Licences being granted to the Superintendent of the Asylum; and all Applications for Licences to keep Private Asylums, and Applications for Leave to transfer any Licence from any one House or Asylum to another, shall be made to the Board; and with the Application there shall be laid before them a Statement of the Name and Description of the Superintendent, with a Plan, upon such Scale as the Board shall direct, of any House used or proposed to be used as a Private Asylum, showing accurately the Number and Dimensions of the Apartments, and Offices, and Airing Places, and the Courts, Gardens, and other Accommodations, with a Statement as to the Supply of Water, and all further Particulars which the Board may require to be communicated; and such Application shall state also the greatest Number of Lunatics of each Sex proposed to be received into such House; and if any Alteration shall at any Time be made on any such House and Premises between the first granting of any Licence for the same

and the subsequent Renewals of such Licence, such Alterations shall be fully and distinctly stated and exhibited upon a Plan when the Application for the Renewal is made.

Licences to be granted by the Board.

XXV. Every Licence to be granted by the Board shall be according to the Form in the Schedule (B.) hereunto annexed, or as near thereto as conveniently may be, and shall bear a Stamp denoting a Duty of *Ten Shillings*, and shall be granted for such Period, not exceeding *Thirteen* Months, as the Board shall think fit; and for every Licence to be so granted (exclusive of the Sum to be paid for the Stamp) there shall be paid to the Secretary the Sum of *Ten Shillings* and no more for every Patient, not being a Pauper, and the Sum of *Two Shillings and Sixpence* and no more for every Patient, being a Pauper, proposed to be received into such House, and if the total Amount of such Sums payable to the Secretary shall not amount to the Sum of *Fifteen Pounds*, then so much more for each Patient in proportion to the above Charges of *Ten Shillings* and *Two Shillings and Sixpence* as will make up the Sum of *Fifteen Pounds;* and no such Licence shall be delivered until the Sum of *Fifteen Pounds* at least shall be paid for the same; Provided always, that, if the Period for which the Licence is granted shall be less than *Thirteen* Months, it shall be lawful for the Board to reduce the Payment proportionably as they shall think just.

In case of Refusal to renew, temporary Continuation of Licence.

XXVI. In any Case in which the Board shall refuse to grant Renewal of an existing Licence, the Board may continue, without any further Payment, such existing Licence for a Period not exceeding *Three* Months from the Date at which the same would expire; and during the Period of such Continuation the Asylum in respect of which the Application is made, and the Superintendent, Medical Persons, Officers, and Servants thereof, shall be under and subject to all the Regulations imposed upon such Asylums by this Act in the same Manner as if the existing Licence had been renewed.

Licence and Patients may be transferred.

XXVII. If any Person to whom any Licence shall have been granted under this or the said recited Acts shall become incapable of keeping, or be desirous to discontinue keeping, the Asylum in respect of which such Licence was granted, or shall die, it shall be lawful to the Board, on Application to that Effect, to transfer such Licence, if the Board shall think fit, for the Term then unexpired of such Licence, to such Person as the Board shall in Writing approve, and such Licence shall be held to be un-

unexpired

expired and good and efficient from its original Date; and in case of a Licence granted to Two or more Persons, such Licence, in the event of the Death of any One or more of such Persons, shall, subject to the Provisions of this Act, remain in force to the Survivors or Survivor of such Persons until the Expiration thereof.

Sums to be paid for Orders of Admission to Public Asylums.

XXVIII. For every Order to be granted by the Sheriff for the Admission of a Patient, not being a Pauper, into any Public Asylum, there shall be paid for the general Purposes of this Act the Sum of *Ten Shillings and Sixpence;* and for every such Order for the Admission of a Pauper Patient there shall be paid for the like Purpose the Sum of *Four Shillings and Sixpence;* and such Sums shall be paid to the Sheriff Clerk, and shall, from Time to Time as the Board shall direct, be remitted by the Sheriff Clerk to the Secretary, under the Deduction of *Two Shillings and Sixpence* to which the Sheriff Clerk is by this Act entitled for making out each Order; and every Sheriff Clerk failing to make such Remittance shall be subject to a Penalty not exceeding *Ten Pounds* for each Offence.

Monies received for Licences, &c. to be applied in Payment of Salaries and other Expenses of Act.

XXIX. All Monies received for Licences, and for Orders of Admission, and for Searches to be made in pursuance of this Act, as aftermentioned, shall be retained by the Secretary, and be applied by him in or towards defraying the Salaries and travelling and other reasonable Expenses of the Commissioners and the Salaries and Allowances of the Secretary and Clerk, and of the Inspectors and Medical Persons employed by the Board or by the Sheriff in examining and visiting Lunatics, or Persons supposed to be Lunatics, as well before as after their Detention, and the Expenses attending the same, and the Expense of providing a Place for the Office of the Board, and for the necessary Accommodation of them, and the Secretary, Officers, and Servants of the Establishment; and in the event of there being in any Year any Surplus of such Monies, after providing for the Salaries and Expenses aforesaid, such Surplus shall be paid to and divided among the District Boards, for the Purposes of this Act, in the Proportion of the Sums raised by each such District Board for the Purposes of this Act in the Year in which such Surplus arises; and all Monies payable and that shall be paid under this Act to the Board or the Secretary shall be lodged in an Account to be opened in one of the Banks in Scotland established by Act of Parliament or Royal Charter, and the Payments thereout shall be made by Orders which shall be signed by the Board.

Balance of Payments over Receipts may be paid out of Monies to be voted by Parliament.

XXX. It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby directed and empowered, from Time to Time, on Application to them by the Board, to cause to be issued and paid to the Secretary, out of Monies to be voted for that Purpose by Parliament, such a Sum of Money as the Board shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expenses herein-before directed to be paid out of the Monies received for Licences, and otherwise as aforesaid, as such Monies shall in each or any Year be inadequate to pay, and the Secretary shall thereupon apply such Money, under the Directions of the Board, in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expenses respectively; and it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, on the Recommendation of the Board, to advance by way of Imprest to the Secretary such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expenses as aforesaid, such Sum or Sums to be accounted for in the then next Account to be furnished to the said Commissioners of Her Majesty's Treasury under this Act.

Lunatic to be admitted by Order, and on Medical Certificates.

XXXI. It shall be lawful for the Sheriff to grant Orders for the Reception of Lunatics into any Public, Private, or District Asylum or House, in Terms of this Act; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) hereunto annexed, and also accompanied by Certificates in the Form of Schedule (D.) hereunto annexed, bearing Date within *Seven* clear Days next preceding the Date of the Petition, under the Hands of *Two* Medical Persons; and such Orders shall be in the Form of Schedule (E.) hereunto annexed; and for every such Order there shall be paid to the Sheriff Clerk the Sum of *Two Shillings and Sixpence* as his Fee for preparing the same; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within *Three* Days prior to the Reception of such Lunatic, or, if such Order be granted by the Sheriff of Orkney and Shetland, within Days prior thereto.

Medical Certificate to specify Facts on which Opinion of Insanity has been formed.

XXXII. Every Medical Person signing any Certificate under or for the Purposes of this Act shall specify therein the Facts upon which he has formed his Opinion that the Person to whom such Certificate relates is an insane Person, an Idiot, or a Person of unsound Mind, and distinguish in such Certificate Facts observed by himself from

from Facts communicated to him by others; and no Person shall be received into any Asylum or House, in Terms of this Act, under any Certificate which purports to be founded only upon Facts communicated by others.

Orders and Medical Certificates may be amended.

XXXIII. If, after the Reception of any Lunatic, it appear that any Order or Medical Certificate upon which he was received is in any respect incorrect or defective, such Order or Medical Certificate may be amended by the Person signing the same, at any Time within Fourteen Days after the Reception of such Lunatic; provided, nevertheless, that no such Amendment shall have any Force or Effect unless the same shall receive the Sanction of the Board.

Copies of Orders, Medical Certificates, &c., to be sent to the Board.

XXXIV. The Superintendent of every Public, Private, or District Asylum, or House in Terms of this Act, shall, after *Two* clear Days and before the Expiration of *Seven* clear Days from the Day on which any Patient shall have been received, transmit to the Board, along with a Copy of the Order, and Medical Certificates, and Petition and Statement accompanying the same, on which such Person shall have been received, a Notice of such Admission, and a Report, signed by the Medical Attendant of such Asylum, or by the Medical Attendant of the Lunatic in such House, according to the Form in Schedule (F.) hereunto annexed; and every Superintendent of any such Asylum or House who shall neglect to transmit as aforesaid such Copy, Notice, and Report shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding *One hundred Pounds;* and the Sheriff Clerk shall, within *Seven* Days after any such Order shall have been granted, send to the Board a Notice, stating the Party by whom the Application was made, and the Party to whom the Order applied, the Medical Persons granting the Certificates, the Sheriff by whom the Order was granted, and the Asylum or House to which it was addressed; and any Sheriff Clerk failing to send such Notice within such Time shall for every such Neglect forfeit a Sum not exceeding *Ten Pounds.*

No Certificate to be granted without Examination.

XXXV. If any Person shall grant any such Certificate or Statement as aforesaid without having seen and carefully examined the Person to whom it relates, at the Time and in the Manner specified in such Certificate, with a view to ascertain the Condition of such Person to the best of his Knowledge and Power, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding *Fifty Pounds;* and if any Person shall wilfully and falsely grant any such Certificate to the Effect of any Person being a Lunatic, the Person so granting such Certificate shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding

Penalty on granting false Certificate.

exceeding *Three hundred Pounds*, or be liable to Imprisonment for any Period not exceeding *Twelve* Months.

Penalty for receiving Lunatics without a Licence or the required Order.

XXXVI. Any Person who shall be convicted of receiving, concealing, detaining, or harbouring any Lunatic, or any Person as such, in any Asylum or House kept for the Reception and Care of Lunatics requiring to be licensed in Terms of this Act, but which shall not be so licensed, and any Person who shall be convicted of sending or delivering any Lunatic, or Person as such, for Custody in any such Asylum or House, knowing the same not to be so licensed, and any Person who shall be convicted of receiving, detaining, or harbouring any Lunatic, or Person as such, in any Public or Private or District Asylum or House, without an Order, where such Order is by this Act required, or notwithstanding an Order to liberate in Terms of this Act, and any Person who shall be convicted of sending or delivering any Lunatic, or any Person as such, for Custody in any Public, Private, or District Asylum or House, without an Order, where such Order is by this Act required, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding *One hundred Pounds*, or to be imprisoned for any Space not exceeding *Twelve* Months.

Board may grant an Order for Search of Records as to whether any particular Person has been confined as a Lunatic within Twelve Months.

XXXVII. If any Person shall apply to the Board in order to be informed whether any particular Person is confined in any Asylum or House by this Act made subject to the Visitation of the Board, the Board, if they shall think it reasonable to permit such Inquiry to be made, shall issue an Order to the Secretary, and the Secretary shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings, (to be applied for the Purposes of this Act,) make search amongst the Returns made in pursuance of this Act, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any such Asylum or House; and if it shall appear that such Person is or has been so confined, the Secretary shall deliver to the Person so applying a Statement in Writing specifying the Situation of the Asylum or House in which the Person so inquired after appears to be or to have been confined, and also (so far as the Secretary can ascertain from any Register or Return in his Possession) the Name of the Superintendent or Principal Officer of such Asylum or House, and the Date of the Admission of such Person into such Asylum or House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

As to Lunatic received into any Private House.

XXXVIII. No Person shall receive or keep any One Lunatic, or Person alleged to be a Lunatic, in any Private House in which not more

more than One Lunatic is kept, without the like Order by the Sheriff and Medical Certificates as are required in respect of the Reception of a Lunatic into a Private Asylum, unless such House shall be the Dwelling Place of such Lunatic; and any Person who shall so receive any Lunatic shall, within *Seven* clear Days thereafter, transmit to the Board a Copy of the Order and Medical Certificates, and Petition and Statement accompanying the same, on which such Lunatic shall have been received, stating the Date of Reception, the Situation of the House, and the Christian Name and Surname of the Owner and Occupier thereof and of the Medical Person attending upon such Patient, and shall also upon the *First Day of January* in every Year, or within *Seven Days* thereafter, transmit to the Board a Certificate, signed by a Medical Person, describing the State of the Health, mental and bodily, of the Lunatic; and every such Lunatic shall be visited at least once in every Month, unless the Board shall otherwise regulate such Visits, by a Medical Person, who shall enter in a Book to be kept at such House the Date of each Visit, and the Condition of the mental and bodily Health of the Lunatic at each such Visit; and it shall be in the Power of the Board to order such Inspection and Visitation of every such House from Time to Time as to them shall seem proper; provided that this Enactment shall not apply to any Case where the Party so received and kept has been sent to any such House for the Purpose of temporary Residence only, not exceeding *Six* Months, and under the Certificate of a Medical Person, which Certificate shall be in the Form of Schedule (G.) hereunto annexed; and every Person who shall receive and keep in any unlicensed House, excepting as before mentioned, any Lunatic, or Person alleged to be a Lunatic, without such Order and Medical Certificates, or who, having so received and kept such Lunatic, shall not transmit to the Board such Copies and Statements as aforesaid, or shall fail to cause or permit such Lunatic to be visited as aforesaid and such Book to be kept, and every Medical Person who shall knowingly make a false Entry in such Book, shall severally be guilty of an Offence, and shall be liable in a Penalty not exceeding *Fifty Pounds*, or be liable to be imprisoned for any Period not exceeding *Three* Months.

House where Lunatic detained under Order of the Sheriff may be visited.

XXXIX. It shall be in the Power of the Board to order such Visitation and Inspection as they may deem proper of every House, in Terms of this Act, though not a Public, Private, or District Asylum, and, if the Board shall see Cause, by reason of improper Treatment of such Lunatic or otherwise, to transfer such Lunatic to any other such House, or to any Public, Private, or District

Asylum, as may be deemed most expedient; and the Expense of maintaining such Lunatic in such other House, or Public, Private, or District Asylum, shall be chargeable on the Property of such Lunatic (if he any have), or on the Party or Parish legally bound for his Maintenance and Support.

Board may order Examination of Lunatics in Private Houses.

XL. If any Occupier or Inmate of any Private House shall keep or detain therein, without an Order by the Sheriff, any Person as a Lunatic, although One of the Family or a Relative of such Occupier or Inmate, beyond the Period of a Year after the Malady becoming apparent and confirmed, and where it has been such as to require during any Part of such Period Coercion or Restraint, such Occupier or Inmate, or the Medical Person attending such Lunatic or Person so detained, shall intimate such Detention to the Board, and shall transmit to the Board a written Certificate, signed by One Medical Person, of the Condition of the Person so detained, and shall state to the Board the Reasons which render it desirable that such Person should remain under private Care; and if the Board shall have reason to believe or suspect that any Lunatic, or any Person treated as a Lunatic, of whose Condition no such Intimation shall have been made, is detained or kept or is dwelling in any Private House, and that the Malady of such Person has endured for any Period beyond a Year after the same has become apparent and confirmed, and is such as to have required Coercion or Restraint, or if such Intimation shall have been made, and the Reasons stated appear to the Board to be insufficient, and they shall be of opinion that it is necessary that Inquiry should be made into the Case, they shall give such Directions towards the making such Inquiry, either by the Sheriff or otherwise, as the Board shall in the Circumstances think fit; and if upon such Inquiry it shall appear that such Person is a Lunatic, and has been so for a Space exceeding a Year after the Malady shall have become apparent and confirmed, and such as to have required Coercion or Restraint, and that there are Circumstances rendering the Removal of such Lunatic to the Care of an Asylum necessary or expedient, it shall be lawful for the Board to grant Warrant for the Removal of such Lunatic to an Asylum, and the Order of the Board shall be sufficient Authority to the Proprietor or the Keeper of any Public or other Asylum to which the Lunatic shall be sent to receive and detain such Lunatic accordingly; and any Person who shall, in the contrary hereof, keep, harbour, or conceal, or be aiding in the keeping, harbouring, or concealing of any Person as a Lunatic, without such Intimation thereof to the Board as aforesaid, or otherwise than under the Authority of this Act, and any Medical Person attending

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ing on such Person confined as a Lunatic beyond such Period, who shall not disclose the Condition of such Person so confined to the Board, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding *Two hundred Pounds*, or to be imprisoned for any Period not exceeding *Three* Months.

Patients may be transferred.

XLI. If the Superintendent of any Asylum shall have obtained Leave to transfer the Licence granted to such Superintendent from one House or Building to another House or Building, and shall be desirous on that Account, or for other good Cause, to be submitted to the Board, and of which they shall judge, to transfer the Patients under the Care of such Superintendent to such other House or Building, and shall make Application to the Board to that Effect, it shall be lawful for the Board on being satisfied that due Notice has been given of such Application to the Persons respectively on whose Application the several Patients proposed to be transferred were confined, to grant written Authority for the Transfer of such Patients accordingly, without any new or additional Order from the Sheriff, or new or additional Medical Certificates; and such Superintendent shall, within *Eight* Days after such Transfer, transmit to the Commissioner a List of the Patients transferred, and in case of Failure so to do shall be guilty of an Offence, and shall be liable in a Penalty not exceeding *Fifty Pounds*.

Medical Attendance upon Asylums.

XLII. In every Asylum licensed for *One hundred* Patients or more there shall be a Medical Person resident therein as the Medical Attendant thereof; and every Asylum licensed for more than *Fifty* and less than *One hundred* Patients, in case there shall be no resident Medical Person therein, shall be visited daily by a Medical Person; and every such Asylum licensed for *Fifty* or less than *Fifty* Patients, in case there shall be no resident Medical Person therein, shall be visited at least *twice* in every Week by a Medical Person: Provided always, that it shall be lawful for the Board to decide that any Asylum shall be visited by a Medical Person at any other Times not being oftener than once a Day.

Board, where Licence is for less than Eleven Persons, may lessen the Number of Medical Visits.

XLIII. Provided further, That where any Asylum is licensed to receive less than Eleven Lunatics, it shall be lawful for the Board, by written Authority, to permit that such House shall be visited by a Medical Person at such Intervals, more distant than twice in every Week,

Week, as the Board shall appoint, but not at a greater Interval than once in every Two Weeks.

Access of Friends and others to Lunatics.

And with respect to the Access of Friends and others to Lunatics, be it enacted:

Power to Ministers and Friends of Patients to visit them, subject to Regulations of Asylum.

XLIV. The Established Minister of any Parish wherein any Public, Private, or District Asylum, or House in Terms of this Act is situated, or the Minister of the Congregation of any Denomination of Christians to which any Patient detained in any such Asylum or House belongs, or any Relative or Friend of any such Patient, shall, subject to such general Conditions or Regulations as the Superintendent and Medical Attendant of such Asylum or House may, with the Sanction of the Board, think it proper to impose, have Liberty to visit any Patient in any such Asylum: Provided always, that such Superintendent and Medical Attendant may, where any special Circumstances of the Case may render it proper and expedient, refuse to admit such Minister, Relative, or Friend, or may accompany the Permission to visit any Patient with such Conditions and Regulations as the Circumstances may require; provided that in every such Case he shall intimate such Refusal, and the Grounds of it, to the Board; and the Decision of the Board therein, after Consideration of the Matter, shall be final and conclusive; and an Entry of every such Refusal, and of the Proceedings had thereon, shall be forthwith made in the Register of such Asylum; and a Copy of every such Entry shall, within *Two* Days after the same is made, be transmitted to the Board.

Power to Board to grant Orders for Access to Patients.

XLV. It shall be lawful for the Board at any Time to give an Order in Writing for the Admission to any Patient confined in any Asylum or House of any Relation or Friend of such Patient (or of any Medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Superintendent or Keeper of any such Asylum or House shall refuse Admission to or shall prevent or obstruct the Admission to any Patient of any Relation, Friend, or other Person, who shall produce such Order of Admission as aforesaid, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding *Twenty Pounds.*

And

And with respect to District Asylums, be it enacted:

District Asylums.

Districts fixed.

XLVI. With a view to the Erection of Asylums for the Reception and Care of Pauper Lunatics, and for the Purposes of this Act, Scotland shall be divided into the *Eight* Districts or Divisions set forth and described in the Schedule (H.) hereunto annexed.

District Boards to be appointed.

XLVII. There shall be chosen, for each District respectively, out of and by the Members of the County Prison Boards of the Counties included in such District acting under the Act of the Second and Third of Her Majesty, Chapter Forty-two, a Board, to be called "The District Board," the Number of the Members whereof shall be fixed by the Board, who shall also fix the Number of the Members of each District Board to be elected by each County Prison Board respectively, and such Number shall be proportioned as nearly as may be to the real Rent of the Property situated in each County, as the same is directed to be ascertained and estimated, according to the real annual Value thereof in reference to the Assessments authorized to be levied under the said last-mentioned Act; and in the event of the Decease, or permanent Absence or Incapacity, of any of the Members of the District Board, the Vacancy thereby occasioned shall be filled up at the First Meeting after the Occurrence of such Vacancy of the County Prison Board of the County from which the Member occasioning such Vacancy was elected; and such District Board shall meet at such Times and Places as shall be fixed by the Board from Time to Time, and shall have Power to adjourn, and also appoint Committees of their Number, to whom may be delegated all or any Part of the Powers hereby committed to such District Boards.

Board to inquire into the Necessities of the Districts, and require Asylums to be provided.

XLVIII. The Board shall, as soon as may be, make Investigation into the Population and Necessities, as regards Accommodation for the Pauper Lunatics, of the several Districts hereby established, and into the Accommodation for the Confinement and Care of such Pauper Lunatics (if any) already existing for such Districts; and upon Consideration of the Result of such Investigation it shall be lawful for the Board to determine, either that the existing Accommodation for the District, with or without additional Accommodation, is sufficient, or that a District Asylum for Pauper Lunatics (of such Dimensions as in the Opinion of the Board may be requisite for the due Accommodation and Care of the greatest Number of Pauper Lunatics likely to require such Accommodation) shall be provided for the District, and also to fix the Locality which shall seem most advantageous and beneficial therefor;

and the Board shall communicate the Result of such Investigation to the District Board of such District, and may require the District Board to order Plans of the District Asylum necessary to be prepared, together with Specifications and Estimates of the probable Expense of erecting and completing the same, or of altering or enlarging and adapting any existing Asylum, House, or Accommodation to the Purposes of a District Asylum under this Act, and to report the same, and also their Opinion of an eligible Site for such District Asylum, where a new one is to be provided, to the Board.

Board to require the District Boards to provide District Asylums.

XLIX. If and when the Board shall have approved of the Plan, Specification, Estimate, and Site proposed in the Report to be so made by the District Board, it shall be lawful for them to require the District Board, as soon as practicable thereafter, and within a Period not exceeding *Two* Years after being so required by the Board in Writing, to erect and provide a suitable District Asylum, with all the Accommodation, Upfitting, and Furniture necessary for the Reception, Confinement, and Care therein of the Pauper Lunatics of the District; and all the Powers and Provisions of the said last-mentioned Act relative to acquiring and holding Lands and Heritages shall be applicable to and be construed along with and as Part of this Act, and shall be of the like Force and Effect for enabling the District Board to acquire and hold Lands and Heritages for the Purposes of this Act as for enabling the County Prison Boards to acquire and hold Lands and Heritages for the Purposes of the said last-mentioned Act.

2 & 3 Vict. c. 42. applied to this Act.

District Asylums not liable to Taxation.

L. No such District Asylum, or the Offices, Gardens, or Ground therewith connected, and strictly applicable to the Purposes thereof alone, shall be liable to any public, parochial, or other Taxation, Assessment, or Rate.

District Asylums vested in District Boards.

LI. The Property of the District Asylums, not being any Asylum otherwise vested by the Constitution or Endowment thereof, shall, subject to the Use of the same by the Board, and for the Purposes of this Act, as herein provided, together with the whole Moveable Property, Goods, and Effects in such District Asylums, subject to the like Use, be vested in the District Boards of the District, who shall be entitled to acquire, hold, and administer the same as aforesaid; and if, from any Change of Circumstances in a District, the Accommodation for the Lunatics of such District shall have become insufficient, it shall be lawful for the Board to call upon the District Board of such District to provide such farther Accom-

Accommodation as is required, and where Enlargement or Alteration is required, to add to or alter any existing Asylum in such Manner and to such Extent as shall be necessary for the Wants of the District, and where a new District Asylum shall be necessary, to provide and erect such new District Asylum; and it shall be lawful for the District Boards to sell or dispose of the old District Asylum, and to apply the Price to be obtained for the same towards Payment of the Expense of providing and completing the new District Asylum; and the Expense of providing such new District Asylum, or such Part thereof as may be necessary, shall be raised and levied by the County Prison Boards in such and the like Manner as the Expense of providing the original District Asylum is herein directed to be raised and levied.

Assessments.

And with respect to Assessments for the Purposes of this Act, be it enacted:

Expense of District Asylum how to be raised.

LII. The Expense of providing, building, altering, enlarging, and repairing, and fitting up and furnishing District Asylums, and the whole Expense of maintaining the Establishment for the First Year after the opening of the same, and also the after Expense of altering, repairing, and keeping in repair such District Asylums, and of the Surveys, Plans, and Investigations in relation thereto, shall be ascertained by the Board from the Estimates or Reports to be made thereof; and the gross Amount of such Expense shall be apportioned by the Board upon the Landward Parts of Counties, and upon the Burghs respectively, within such Districts, according to the Real Rent of the Lands and Heritages in Terms of the Act of the Seventeenth and Eighteenth of Her Majesty, Chapter Ninety-one, within such Landward Parts of Counties and Burghs respectively; and the Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively, for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, for such Burgh, of the whole Sum or Proportion to be levied on such Burgh and the Landward Part of such County respectively; and the Portion of the gross Amount of such Expense which shall be apportioned as aforesaid on the several Landward Parts of Counties shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Commissioners of Supply of each County respectively; and the Portion thereof which shall be apportioned as aforesaid on the several Burghs shall, together with such further Sum as may be necessary to cover Expenses

of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Magistrates of each Burgh respectively, in the same Way and Manner in all respects, and upon such and the like Property, according to the real Rent of such Property, and from such Persons, and by such and the like Process and Means of Recovery, and under the like Deductions and Exemptions, and with and under the same Powers and Provisions as to any disputed Matter and otherwise, and generally in all respects as if such Portions of the said gross Amount apportioned under this Act were Portions of a gross Amount of Sums estimated in Terms of the Fortieth Section of the said Act of the Second and Third Years of Her Majesty, Chapter Forty-two, and directed by that Act to be assessed on the said Counties and Burghs respectively; and the said last-mentioned Act shall, in so far as the same is hereby made applicable to the raising Assessments for the Purposes of this Act, be construed herewith as if the same were a Part of this Act; and the Collectors or other Persons employed in reference to Assessments under the last-mentioned Act, or any other Act, may be employed, and shall be bound to act, in the like Capacity under this Act; and the Assessments under this Act may, if thought proper by the said Commissioners of Supply and Magistrates of Burghs respectively, be assessed, laid on, and collected along with any Assessments under the said last-mentioned Act, or along with any Assessments under any other Act.

Expense of Asylums to be defrayed out of Assessment.

LIII The Commissioners of Supply in each County, or their Convener or Collector, and the Magistrates in each Burgh, or their Collector, shall, at their Risk, and free of all Expenses, remit the whole Sum apportioned on such County and Burgh respectively, within Eight Months after Notice by the Commissioners aforesaid, and in the Manner directed by the said last-mentioned Act, to or on account of the District Board, who shall apply the same in defraying the Expense to be incurred in erecting and providing such District Asylums, and fitting up and furnishing the same, and also in defraying the Expense, for a Period not exceeding One Year after the opening of such Asylum, of the Superintendent, Clerk, Officers, or Servants, and of the Medical Attendants to be employed therein; provided that the Expenses of the Superintendent and other Officers and Servants shall not be so defrayed for such Period if the Amount of the Monies to be received as herein-after provided shall be adequate to defray the same, or longer than while such Monies shall be inadequate so to do.

And

Special Arrangements.

And with respect to special Arrangements, be it enacted:

Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.

LIV. Where any Property or Money is or shall be mortified, conveyed, or made over, in trust or otherwise, for the Erection or Establishment of any Asylum or Hospital for Lunatics, for the Use of any County or Counties or Parish or Parishes, and such Property or Money shall be vested, in whole or in part, in the Hands of the Trustees of such Trust or others, they shall be entitled to apply such Money or Proceeds of such Property in Payment of the Assessments leviable for the Purposes of this Act upon such County or Counties, or Parish or Parishes, or to apply the same towards the Trust Purposes of the Mortification or Endowment, in the Erection of the Asylum, Hospital, or other Establishment thereby prescribed; and in such last Case such Asylum, Hospital, or other Establishment may be transferred, made over, or be otherwise made available to the District Board in which the same is situated, for the Purposes of this Act, in such and the like Manner as is herein provided in respect of any existing Asylum, Hospital, or available Accommodation in any District; and such County or Counties or Parish or Parishes shall thereupon be relieved to the Extent of the Payment made from such Assessment, or to the Extent of the Value of the Asylum, Hospital, or Accommodation, or Part thereof transferred, made over, or made available to the District Board.

County making over Asylum to the District Board to have Deduction of Value.

LV. If in any County or Counties, or Parish or Parishes, there shall be any Asylum or Hospital or other available Accommodation for Lunatics provided for such County or Counties, or Parish or Parishes, the Use whereof can be validly transferred or made over, or can be made effectually available to the District Board of any District, for their exclusive Use, for the Reception and Confinement of Pauper Lunatics therein, under the Provisions of this Act, such County or Counties, or Parish or Parishes, by which any such Asylum or Hospital or Accommodation shall be so transferred, made over, or be made available to the District Board, shall be entitled to Deduction from the Amount of the Assessments leviable upon such County or Counties, or Parish or Parishes, to the Extent of the Value of the Asylum or Hospital or Accommodation to be thereby made over to the District Board of such District.

Right of Accommodation may be bought up.

LVI. If in any District there shall be any Public Asylum wherein any other District, or any Parish or Parishes or others within any other District, have any Right to Accommodation, it shall be lawful for the District Board of the District in which such Asylum is situated to apply so much of the Assessment leviable in such

District under this Act as may be necessary towards the purchasing up such Right of Accommodation, by Payment of the Value thereof to the District Board of the District which has such Right, or in which any Parish or Parishes having such Right is or are situated; and the District Board receiving the same shall apply the Amount towards the procuring Accommodation for the Pauper Lunatics of the District of such District Board; and the Parish or Parishes or others in whom such Right is vested shall be entitled to Deduction from any Assessment to be levied for the Purposes of this Act upon such Parish or Parishes or others to the Extent of the Sum to be paid as the Value of their respective Rights of Accommodation to be so purchased.

District Boards may agree with existing Asylums for the Reception of Pauper Lunatics.

LVII. In case there shall be any Asylum established in any District, or within a convenient Distance therefrom, or having convenient Means of Communication therewith, which shall have sufficient Accommodation for the Reception of the Pauper Lunatics of such District, or can be easily rendered adequate to the Reception of such Pauper Lunatics or any Portion of them, it shall be lawful for the District Boards of the several Districts, with the Consent and Approbation of the Board signified thereto in Writing, to agree and contract with the Proprietors or Parties interested in any such Asylum, for the Conveyance thereof to the District Boards for a District Asylum under this Act, or for the Use of the whole or any Part of the same, or for the Reception and Maintenance therein of the Pauper Lunatics of such District or any Portion of them, upon such Terms as shall be agreed upon between the District Board and such Proprietors or Parties interested; and it shall also be lawful for the Portion of any District Board representing a whole County forming Part of the District, with the Approbation of the District Board and of the Board, or in like Manner to agree for the Use, for such County, of the whole or any Part of any such Asylum already established; and in case of Difference between the District Board and such Portion thereof relative thereto, such Difference shall be subject to the Decision of the Board; and where any such Agreement shall be completed with a Public Asylum, the Portion of such Asylum which shall in Terms thereof be appropriated to the Reception of such Pauper Lunatics shall be deemed and held to be a District Asylum for Pauper Lunatics according to the Meaning of this Act, and shall be and remain under the Care and Management of the Proprietors or Parties interested therein, subject to the Power of Inspection and Visitation, and Power of making Regulations, herein-before conferred upon

upon the Board in the Case of existing Public Asylums, and of enforcing such Agreement in all Points: Provided always, that where the Board shall refuse or delay to grant Consent to any Agreement proposed by any District Board under this Act, or where any District Board and any Portion thereof shall differ as aforesaid, and such District Board or Portion thereof shall be dissatisfied with any Decision of the Board with relation to such Difference, it shall be competent to the District Board or Portion thereof deeming itself to have Cause of Complaint to bring such Complaint under the Notice of the Secretary of State for the Home Department, who shall give such Directions to the Board in regard thereto as he shall think proper.

As to Pauper Lunatics to be received into the Crichton Institution at Dumfries.

LVIII. The Trustees and Directors of the Crichton Royal Institution for Lunatics at Dumfries shall be obliged to receive in such Asylum the Pauper Lunatics who shall be sent thereto by the Parochial Boards or Boards of Supervision of the Counties of Dumfries and Wigtown and the Stewartry of Kirkcudbright, upon such and the like Terms and Conditions as are herein provided and prescribed in respect of Pauper Lunatics sent to the District Asylums to be established in virtue of this Act; and the Monies to be received by the said Trustees and Directors shall be paid and applied towards the Expense of keeping and maintaining the said Crichton Royal Institution: Provided always, that if any Difference shall arise between the said Trustees and Directors and Parochial Boards or the Board of Supervision, the same shall be decided by the Board.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted:

Borrowing Money.

Power to borrow Money on Security of Assessments.

LIX. It shall be lawful for any District Board, from Time to Time, to borrow on the Security of the Assessments to be made under this Act in and for such District, or any Part thereof, all or any of the Monies required in such District, or in any County or Burgh within the same, for the Purposes of this Act; and such Money may be so borrowed at any Rate of Interest not exceeding Five Pounds per Centum per Annum; and every such Security may be by Assignation in Security in the Form contained in the Schedule (K. No. 1.) to this Act annexed, or to that or to the like Effect, and shall be duly executed if signed by Three or more Members of the District Board; and every such Deed of Security shall be effectual for securing to the Person advancing the Sum of Money in such Deed expressed to be advanced, and to his Heirs, Executors, and Assignees,

the Repayment thereof, with Interest for the same after such Rate and at such Time and in such Manner as in such Deed of Security provided; and the said Deeds of Security shall be numbered in the Order of Succession in which they are granted; and a Copy of each such Deed of Security shall be transmitted to the Secretary appointed under this Act; and a Memorandum of each such Deed shall be entered by the Secretary in a Book to be called the Register of Securities, to be kept by him for that Purpose; and every such Deed of Security, and the Monies secured thereby, shall be deemed to be Personal Property, and may and shall pass as such Property passes by the Law of Scotland, and shall be validly transferred by simple Endorsation on such Deed of Security by the Party entitled thereto for the Time being of a Transfer in the Form of the Schedule (K. No. 2.) hereunto annexed; and the Parties in Right of such Deeds of Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security in an equal Degree one with another, and shall not have any Preference or Priority other than is provided in such Deeds of Security under the Powers of this Act.

Power to Public Works Loan Commissioners to lend Money for Purposes of this Act.

LX. It shall be lawful for any District Board to make Application for any Advance of any Sum for the Purposes of this Act to the Commissioners acting in the Execution of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, and any Act or Acts amending or continuing the same, and the said Commissioners are hereby empowered, if they think fit, to make such Advance upon the Security of any such Assignation in Security as aforesaid.

Provision for Payment of the Interest on borrowed Monies and a Portion of the Principal in each Year.

LXI. Every District Board by whom any such Assignation in Security as aforesaid shall be granted shall annually make Payment, out of the Monies coming to its Hands under this Act, of all Interest due for the Time on the Sums contained in any such Assignations in Security, and also of a further Sum to Account of the Principal Sums contained in such Assignations in Security, not less than One Thirtieth Part of the whole Sums contained in and due by the whole Assignations in Security granted by such District Board at the Time such Assignations in Security were made, until the whole Principal Sums for which such Assignations in Security shall have been granted, and the Interest thereof, shall be fully paid and discharged; and the said District Board shall, by Agreement with the Persons advancing any Money for the Purposes of this Act, determine the Order and Priority in which the several Sums advanced shall be respectively discharged; and

and every District Board so borrowing Money is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books, separate and apart from all other Accounts; and the District Board is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

Provision for Money borrowed being paid off within Thirty Years.

LXII. Every District Board borrowing Money as aforesaid shall make Provision that the whole Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Board, not exceeding Thirty Years from the Time of borrowing the same.

Persons lending Money on Security of Assessments protected against Omissions to comply with Provisions of this Act.

LXIII. No Person lending Money to any District Board, and taking an Assignation in Security for securing Repayment of the same, executed in manner directed or allowed by this Act, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Assignation in Security on the Ground that such Provisions have not been complied with.

Power to raise Money to pay off Sums already borrowed.

LXIV. In every Case where Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the District Board by which such Monies shall have been borrowed (with the Consent of the Parties to whom the same shall be owing) to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof, under the Powers of this Act, as if such Monies were borrowed under the Powers herein contained, but so, nevertheless, that all Monies borrowed shall be discharged within Thirty Years from the Time of first borrowing the same.

District Boards to furnish Annual Statements.

LXV. Every District Board shall annually, and whenever required by the Board, transmit to them a full and detailed Report and Statement of all Sums falling to be paid by the District Board, whether for Principal or Interest, to the Holders of Assignations in Security granted by the District Board under this Act; and the Board shall, in each Year, in their Ascertainment of the Amount

necessary to be raised within such District for the Purposes of this Act, take care to include and provide for the whole Sums so falling to be paid as aforesaid.

District Board to take charge of Asylum when finished.

LXVI. When any District Asylum shall be ready for the Reception of Lunatics, and shall have been approved of and adopted by the Board as a District Asylum, the District Board is hereby required to assume the Charge of the District Asylum, and it shall be the Duty of such District Board, subject to the Approbation of the Board, to appoint any necessary Officers and Servants, and also a Clerk, if necessary, to the said District Board, whom, or any of them, they shall have Power to suspend or remove; and they shall also have Power, subject to such Approbation, to fix the Amount of the Salary or Remuneration to be paid to such Clerk, Officers, and Servants respectively; and the Management and Superintendence of such District Asylums, and the well-ordering and Discipline of the same, shall thereafter, subject to the Direction and Approbation of the Board, be under the Care of such District Board.

Notice of the District Asylum being ready for the Reception of Patients to be given.

LXVII. Upon the Completion and Approbation and Adoption of any District Asylum for Pauper Lunatics, the District Board shall forthwith cause Notice of the Day on which such District Asylum will be open for the Reception of Lunatics to be given, once in each of *Three* successive Weeks, in such Newspapers as shall be directed by the Board, and also once in the "Edinburgh Gazette;" and the Day on which the Asylum is to be opened as aforesaid shall be not less than *One Week* subsequent to the Publication of the last of such Notices.

District Inspectors to be appointed, and their Duty.

LXVIII. It shall be lawful for the District Board, in each of the several Districts constituted by this Act, to appoint Medical Persons, One or more, as may from Time to Time be sanctioned by the Board, to be the Inspector or Inspectors of such District, and such Inspector or Inspectors shall hold their Offices respectively at the Discretion of the District Board, and shall be paid such Fees as the District Board, with the Sanction of the Board, may fix; and it shall be the Duty of such Inspectors to visit the Public, Private, and District Asylums and Houses in Terms of this Act, within their respective Districts, at all such Times as they shall be called upon so to do by the District Board, or the Board, or the Sheriff, or the Inspector General, and otherwise in Terms of this Act; and upon all such Visitations of Asylums they shall enter in

in a Book to be kept in each such Asylum, to be called the "Patients Book," the Condition of the Asylum, and the general State of the Health, mental and bodily, of the Lunatics kept therein, and also the Particulars of any Case requiring Remark: Provided always, that where, in any District, more than One District Inspector shall be appointed, it shall not be necessary that more than One of such Inspectors shall be a Medical Person.

Unqualified Medical Persons not to practise under this Act.

LXIX. It shall not be competent to any Person not qualified in Terms of this Act as a Medical Person to practise or to be employed or to grant any Certificate under the Provisions of this Act, nor shall it be competent to any Medical Person who shall have any pecuniary or patrimonial Interest or Concern with or in any Asylum or House in Terms of this Act, or any Copartnership or Participation of Profits with any Superintendent of any such Asylum or House, or whose Father, Brother, or Son shall be Superintendent of any such Asylum or House, to practise or to be employed or to grant any Certificate under the Provisions of this Act; and any Person who shall do in the contrary of this Enactment shall be guilty of an Offence, and be liable for each Offence, in a Penalty not exceeding *Fifty Pounds*, or to be imprisoned for any Period not exceeding *Three* Months: Provided always, that any Medical Person may practise, be employed, or grant Certificates under this Act in or with reference to any Asylum or House, not being an Asylum or House in or with which such Person, or his Father, Brother, or Son, is so interested or connected as aforesaid: Provided also, that nothing in this Enactment contained shall prevent the Medical Officer of a District Asylum from granting Certificates with reference to any Pauper Lunatics of the District to which such Asylum belongs.

Provision for Neglect in Execution of Act.

LXX. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein or in the said Act of the Second and Third Years of the Reign of Her Majesty, so far as the same is made applicable to this Act, required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board to apply, by summary Petition, to the Court of Session, in either of the Divisions thereof, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and required to do therein as to such Court or Lord

Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Charge for Pauper Lunatics, and Application of the Monies to be received.

LXXI. There shall be paid to the District Board, for each Pauper Lunatic sent to and detained in any District Asylum, such Sum per Week, and by such periodical Payments, as shall from Time to Time be fixed by the District Board, with the Approbation of the Board; and the Monies to be so paid shall be applied by the District Board of each District in defraying the Maintenance and Expenses of the Patients, the Salaries and Allowances of the Superintendent, Inspectors, Clerk, Officers, and Servants, and all other the necessary Expenses of such District Asylum; and if such Monies shall prove inadequate to defray such Maintenance and Expenses and Salaries, the District Board of such District shall, with the Approbation of the Board, make such additional Charge for each Pauper Lunatic kept in such District Asylum as may be necessary to make up any Deficiency which shall have arisen or may arise.

District Boards to keep Books.

LXXII. The District Boards shall keep regular Books and Accounts, showing distinctly the Amount of the Monies received by them, and of the Outlay and Expenditure thereof, and shall also keep Minutes of the Proceedings of the District Boards in the Execution of this Act; and at all Meetings of the District Boards *Three* Members thereof shall form a Quorum, and shall be capable of acting in the Execution of the Matters intrusted to such District Boards by this Act; and the District Boards shall keep a distinct Account of all Assessments and other Monies levied or received under the Provisions of this Act, and of the Application and Disbursement of the same, in such Form and Manner as the Board shall direct; and a Copy of the Account so kept shall be transmitted half-yearly to the Board; and the District Boards shall also keep Minutes of their Proceedings in the Execution of this Act.

Pauper Lunatic to be held to belong to the Parish of his Settlement.

LXXIII. Every Pauper Lunatic detained in any District Asylum under this Act shall be deemed and held to belong and be chargeable to the Parish of the legal Settlement of such Lunatic at the Time the Order for his Reception in such Asylum was granted, and the Expense of his Maintenance in such District Asylum shall be defrayed by such Parish accordingly; and the Residence of any Pauper Lunatic in any such District Asylum shall be deemed to be the Residence of such Lunatic in the Parish legally chargeable with the Maintenance of such Lunatic.

LXXIV. All

Parish of the Settlement to be liable in the Repayment of Expenses.

LXXIV. All the Expenses attending the taking and sending a Pauper Lunatic to any District Asylum in or from any Parish which is not the Parish of the Settlement of such Lunatic, including the Sum paid for the Order for Admission of such Lunatic, and the Maintenance of such Lunatic therein, shall be recoverable by the Party or Parish defraying such Expense from the Parish of the Settlement of such Lunatic; and it shall be competent for the Sheriff of the County in and from which such Lunatic was taken and sent to ascertain and fix the Amount of the same, and the Expense so fixed shall be recoverable by summary Process from the Parish of the Settlement of the Lunatic before the Sheriff of the County in which such Parish is situated.

Expense incurred for Lunatic, from whom to be recovered.

LXXV. The Expense incurred by any Superintendent of any Asylum, or by any other Party, for or in relation to the Examination, Removal, and Maintenance of any Lunatic, shall be defrayed out of the Estate of such Lunatic, or if such Lunatic has no adequate Estate, and if such Expense shall not be borne by the Relations of such Lunatic, then the Lunatic shall be treated as a Pauper Lunatic, and such Expense shall be defrayed by the Parish of the Settlement, and the Superintendent or other Party disbursing such Expense shall be entitled to recover the same from or out of the Parties or Estate liable to defray the same as aforesaid.

Expenses to be paid in the first instance by the Parish in which Lunatic was committed.

LXXVI. If the Parish of the Settlement of any such Pauper Lunatic cannot be ascertained, and if the Lunatic has no Means of defraying the Expense of his Maintenance, nor any Relations who can be made liable for the same, the Expenses attending the taking and sending such Lunatic, and of his Maintenance in the District Asylum, shall be defrayed by the Parish in and from which he was taken and sent, but with recourse, nevertheless, to such Parish, at any Time when it shall appear that such Expenses are legally chargeable to any other Party or Parish, against such Party or Parish, and who or which shall be liable also in Interest and Expenses; and the Sheriff of the County in which the Parish defraying such Expenses in the first instance is situated shall certify under his Hand the Amount of such Expenses; and such Certificate shall be final and conclusive as to such Amount, and shall not be subject to Review by any Process whatsoever under any Proceeding instituted for Recovery of the same; and the Party entitled to recover such Expenses shall proceed as accords of Law against the Party or the Parish liable for the same, by summary Process before the Sheriff of the County within which such Party resides, or in which such Parish is

Notice to Parish of Settlement.

situated, and the Judgment of such Sheriff shall be final: Provided always, that the Parish of Settlement shall not in any Case be liable in Repayment of the Expenses incurred in relation to any Lunatic as aforesaid, unless written Notice shall have been given by the Parish or Party disbursing the same to the Parochial Board of the Parish of Settlement, and shall then only be liable for the Expenses incurred subsequent to such Notice, and for the Year preceding.

Access to Pauper Lunatics by Parties interested in the Expense of their Maintenance, &c.

LXXVII. In any Investigation or Dispute regarding the Settlement of any Pauper Lunatic, the Inspector of the Poor of any Parish, and the Relations of the Lunatic, and other public Officers or Parties having an Interest in the Investigation, shall, on Warrant of the Sheriff, have free Access to the Lunatic, in the Presence of the Inspector General or Inspector of the District, or other Medical Person appointed by the Board or the Sheriff, for the Purpose of seeing or examining the Lunatic touching the Matter in question.

Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

LXXVIII. Where it may appear to any District Board that any Asylum under its Charge is more than sufficient for the Accommodation of all the Pauper Lunatics of the District, or for whom Accommodation therein falls to be provided, it shall be lawful for such District Board, if they think fit, having obtained the Sanction thereto of the Board, to give Notice thereof by Advertisement in some Newspaper, One or more, commonly circulated in such District or Part thereof, and to permit the Admission of so many Pauper Lunatics of any other District, and (if such District Board and the Board think fit) Lunatics not Paupers, but who may be deemed proper Objects to be admitted into a Public Asylum, as to such Committee and the Board may seem expedient; and such District Board may at any Time rescind any such Resolution, and, with the Sanction of the Board, may vary the same; and such District Board may, if they think fit, require that no Pauper Lunatic shall be admitted into such Asylum under this Enactment without an Undertaking by the Parochial Board or Inspector of the Poor of the Parish to which such Lunatic is chargeable, or, in the Case of a Lunatic not a Pauper, by the Person signing the Applica- for the Admission of such Lunatic, for the due Payment of the weekly Charge for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, and of the Expenses of his Burial in case he die therein, as well as for the Removal of such Lunatic from such Asylum within Six Days after Notice given in Writing by the Superintendent of such Asylum; and

and such Lunatic, not being a Pauper, shall have the same Accommodation in all respects as the Pauper Lunatics.

Property of Lunatics.

And with respect to the Property of Lunatics, be it enacted:

Where Property of Lunatic not under judicial Management, and not properly applied for his Benefit, Application to be made to the Court.

LXXIX. Whenever the Board, or the Accountant of the Court of Session, shall have Reason to believe or suspect that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, by being placed under the Management of a Judicial Factor, and that the same, or the Income thereof, is not duly applied for his Maintenance, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself or by his Order, or otherwise, that such Proceeding is expedient and proper, to make Application to to the Court of Session in regard to any Person whom he believes to be detained or taken charge of as a Lunatic, setting forth that he is informed, or has Reason to believe or suspect, that the Property of such Person is not duly protected, or that the same, or the Income thereof, is not duly applied for his Maintenance, and praying the Court to cause the Matter to be investigated, and to appoint a Judicial Factor to such Lunatic, with a view to the proper Care and Protection of his Property, and to the Application of it, or the Income thereof, to his Maintenance and Support, or to do otherwise as may be just and expedient; and the Court, after such Intimation or Service, and such Investigation as they may deem fit, may appoint a Judicial Factor on the Property of such Lunatic, or may take any other Measures with a view to the Benefit of such Lunatic, and generally may do under such Application as to them shall seem proper.

Where Property of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.

LXXX. Where in the Case of any Lunatic whose Property shall, by reason of his being a Lunatic, have been placed under the Management of a Judicial Factor, the Board, or the Accountant of the Court of Session, shall be informed or have Reason to believe or suspect that such Property, or the Income thereof, is not applied to the due Maintenance of such Lunatic, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any such Lunatic as aforesaid, setting forth that he is informed or has Reason to believe or suspect that the Property of such Lunatic, or the Income thereof,

is not duly applied for the Maintenance of such Lunatic, and praying the Court to cause the Matter to be investigated, and to take such Measures, with a view to the Benefit of such Lunatic, and the securing the Application of the Property or Income of such Lunatic to his due Maintenance and Support, as may be proper; and it shall be lawful for the Court to make such Orders and take such Proceedings under such Application as it may deem proper and expedient: Provided always, that nothing in this Act contained shall derogate from any Powers already possessed by the Accountant of the Court of Session, or be construed to prevent such Accountant from himself making any Investigation or taking any Proceedings which may at present be competent at his Instance.

Expenses incurred as to Property of Lunatics to be defrayed from such Property.

LXXXI. The Expenses attending such Inquiries and Applicators as aforesaid in reference to the Property of Lunatics shall be chargeable against the Property of the Lunatics to whom they respectively relate, and may be decerned for by the Court of Session, under any such Application as aforesaid, or be otherwise recovered in due Course of Law.

Accountant of Court of Session to see that Caution for judicial Factors to Lunatics is sufficient.

LXXXII. In any Case in which, after the passing of this Act, Judicial Caution falls to be taken for any Judicial Factor of a Lunatic, such Caution shall not be received as sufficient until the Accountant of the Court of Session shall approve thereof by a Marking to that Effect on the Bond of Caution; and where, with reference to any Judicial Caution received prior to the passing of this Act for any such Judicial Factor, such Accountant shall have Reason to believe or suspect that the Caution found is or has become insufficient, it shall be lawful for, and the Duty of, such Accountant to inquire into the Matter, and, if he shall think proper, to call upon such Judicial Factor to find other or additional and satisfactory Caution, and failing such Caution being found, to bring the Matter under the Notice of the Court of Session, in the Division thereof by which such Judicial Factor was appointed, with a view to the Court making such Order on the Subject as to it may seem fit.

Dangerous and Criminal Lunatics.

And with respect to Dangerous and Criminal Lunatics, be it enacted:

Sheriff may commit Dangerous Lunatics.

LXXXII. Where any Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic, being in a State threatening Danger to the Lieges, shall be found at large, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, or Inspector of the Poor, or other Person, accompanied by a Certificate from any Medical Person bearing that

that the Lunatic is in a State threatening such Danger, forthwith to commit such Lunatic to some Place of safe Custody, and the Sheriff shall thereupon direct Notice to be given in some Newspaper circulated within the County of such Commitment, and such farther Notice as he shall think fit, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named; and the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and threatening to be dangerous, he shall commit the Lunatic to any Public, Private, or District Asylum; and in case there shall be no such Asylum within the Jurisdiction of the Sheriff, he shall commit such Lunatic to some such Asylum of an adjoining County; and an Order, such as is herein-before prescribed, shall be granted by the Sheriff in respect of every such Commitment; and the Person or the Parish liable in the Maintenance of such Lunatic shall be liable for the Expense of keeping and maintaining such Lunatic in such Asylum; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security.

Power to Sheriff to transmit Lunatic to another County.

LXXXIV. If any Pauper Lunatic in respect of whom Application shall be made to the Sheriff of any County as aforesaid shall have his known Settlement in another County, then it shall be lawful for the Sheriff either to follow out the Provisions of this Act in regard to such Lunatic, or at once to transmit along with the said Application such Lunatic in safe Custody to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Provision for Cases where Insanity stands in bar of Trial.

LXXXV. Where any Person charged under any Indictment or Criminal Libel with the Commission of any Crime shall be found insane, so that such Person cannot be tried upon such Indictment, or if upon the Trial of any Person so indicted such Person shall appear to the Jury charged with such Indictment or Criminal Libel to be insane, the Court before whom such Person shall be brought to be tried as aforesaid shall direct a Finding to that Effect to be recorded, and thereupon such Court shall order such Person to be kept in strict Custody until Her Majesty's Pleasure shall be known; and it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person so found insane, during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Lunatic acquitted of a Criminal Charge on the Ground of Insanity.

LXXXVI. In all Cases where it shall be given in Evidence upon the Trial of any Person charged under any Indictment or Criminal Libel with committing any Crime or Offence that such Person was insane at the Time of committing such Crime or Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the committing such Crime or Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall so find and declare, the Court before whom such Trial shall be had shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until Her Majesty's Pleasure shall be known; and it shall thereupon be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.

LXXXVII. If any Person, while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, Penal Servitude, or Imprisonment, or under Charge of any Crime or Offence, or under any Civil Process, shall appear to be insane, it shall be lawful for the Sheriff of the County where such Person is imprisoned to inquire, with the Aid of Two Medical Persons, as to the Insanity of such Prisoner; and if it shall be certified by such Sheriff and such Medical Persons that such Prisoner is insane, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Receipt of such Certificate, to direct, by Warrant under His Hand, that such Person shall be removed to such Asylum as the said Secretary of State may judge proper and appoint; and every Prisoner so removed under this Act, and every Person removed previous to the Date of this Act, from Prison to an Asylum, by reason of his Insanity, shall remain in Confinement in such Asylum until it shall be duly certified to One of Her Majesty's Principal Secretaries of State, by Two Medical Persons, that such Person has become of sound Mind, whereupon the said Secretary of State is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his Warrant to the Superintendent of such Asylum, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken, or, if the Period of Imprisonment of such Person shall have expired, that he shall be discharged

Provision for Detention of Lunatics in remote Places.

LXXXVIII. And whereas it may be difficult in remote Parts of the Country to obtain the Order of the Sheriff and Medical Certificates necessary for the Reception and Detention of Lunatics under this Act, in respect of Persons alleged to be dangerous Lunatics, or Persons in pauper

pauper or reduced Circumstances alleged to be Lunatics: It shall in such remote Places be lawful for any Justice of the Peace of the County in which such alleged Lunatic may be, upon being satisfied by sworn Information of the Minister or any Elder of the Parish, or other Person of Respectability, that such alleged Lunatic is a Lunatic or a dangerous Lunatic, to grant Warrant for his Detention and Transmission in safe Custody to the nearest Town in which a Sheriff or Sheriff Substitute shall reside; and the Person in whose Custody the Lunatic is so detained and transmitted shall forthwith take all necessary and proper Steps to obtain the requisite Medical Certificates and Order of the Sheriff by this Act required; and such Case shall thereafter be dealt with as a Case in which the Lunatic had been transmitted under an Order in Terms of this Act.

Lunatics may be removed from one Asylum to another.

LXXXIX. If the Procurator Fiscal or the Inspector General shall make Application to the Sheriff for the Removal of any Lunatic from any Asylum or House in Terms of this Act, accompanied by a Certificate of Two Medical Persons to the Effect that such Asylum or House is unsuitable for the Confinement of such Lunatic, it shall be lawful for the Sheriff thereupon to grant an Order for the Removal of such Lunatic from such Asylum or House to some other Asylum or House, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party by whom or at whose Instance such Lunatic was confined, or if such Party be dead or cannot be found, to his nearest known Relative; and the Expenses attending such Application for Removal, and attending the Keeping and Maintenance of such Lunatic in the Asylum to which he shall be so removed, shall be defrayed by the Party or Parish liable for the Expense of the Keeping and Maintenance of such Lunatic in the Asylum or House from which he shall be so removed.

Liberation of Lunatic by Relation or others.

XC. It shall be lawful for any Person, having procured and produced the Certificate of *Two* Medical Persons of the Recovery of any Lunatic, or bearing that such Lunatic may, without Risk of Injury to the Public or to the Lunatic, be set at large, and also an Order from the Sheriff for the Liberation of the Lunatic, to require the Superintendent of the Asylum in which such Lunatic is to liberate such Lunatic, and such Lunatic shall be liberated accordingly; and it shall in like Manner be lawful for the Board, upon being satisfied by the Certificate of *Two* Medical Persons whom they may think fit to consult, or of the Inspector General, of the Recovery or Sanity of any Person confined as a Lunatic, to order the Liberation of such Person; and, previous to the Liberation of any such Person by Order of the Board or the Sheriff, *Eight* Days Notice in Writing

shall be given of such intended Liberation to the Person at whose Instance such Lunatic was detained, or, in the Absence of such Person, to the near Relatives of such Lunatic, and, in the Case of a Pauper Lunatic, to the Party or Parish by whom the Expense of the Maintenance of the Pauper Lunatic was defrayed; and in all Cases of Removal or Liberation of any Lunatic the Superintendent of the Asylum shall enter or cause to be entered in the Register to be kept by such Superintendent the Particulars of the Removal or Liberation of such Lunatic, and the Date thereof, and the Authority on which such Removal or Liberation took place; and when any Lunatic has been discharged from any Asylum as incurable, the Fact of such Discharge shall thereupon be entered in the Register of the Asylum, with a Specification of the Place to which, and Person to whose Care, such Lunatic has been sent; and Copies of all such Entries shall, within *Two* clear Days of the same being made, be transmitted by the Superintendent to the Board.

Exception of Lunatics detained by Courts of Law.

XCI. Provided always, That no such Removal or Liberation shall be competent or take place in regard to any Lunatic detained under the Sentence of any Court of Justice, without the Authority of such Court, or the Warrant of One of Her Majesty's Principal Secretaries of State: Provided further, that if, by the Expiration of the Period of Confinement awarded by the Sentence of any Court of Law, any Lunatic would be entitled to be set at large, and such Lunatic be then uncured, it shall be lawful, upon Certificate to that Effect by *Two* Medical Persons, and upon an Order granted by the Sheriff, to detain such Lunatic in the Asylum in which such Lunatic then is, or to remove him to some other Asylum, as may be proper.

Patient released to have Copy of Order, and Certificates, &c. on which he was confined.

XCII. In the event of the Release from Confinement in any Asylum or House of any Person who shall consider himself to have been unjustly confined, a Copy of the Order, Petition, Statement of Particulars, and Certificates upon which he has been confined, shall, at his Request, be furnished to him or his Agent by the Clerk to the Board, without any Fee or Reward for the same.

Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.

XCIII. Every Pauper Lunatic to be detained under the Powers of this Act shall be sent to an Asylum for the District in which the Parish of the Settlement of such Pauper Lunatic is situated: Provided always, that, under special Circumstances, it shall be lawful for the Parochial Board, with Consent of the Board, to dispense with the Removal of any Pauper Lunatic to such Asylum, and to provide for him in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board; and provided further, that the Provisions of this Act as to the requisite

requisite Licence and Order, and Returns or Reports to the Board shall be duly complied with.

Repeal in part of 8 & 9 Vict. c. 83.

XCIV. Whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Year of the Reign of Her present Majesty, intituled "An Act for the Amendment and better "Administration of the Laws relating to the Relief of the Poor in "Scotland," the Board of Supervision thereby established is authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor Person to an Asylum or Establishment legally authorized to receive any Lunatic Patients, to take such Measures as may be necessary for removing such insane or fatuous poor Persons to such Lunatic Asylum or Establishment; and it is thereby provided, that under special Circumstances in particular Cases the said Board of Supervision might dispense with such Removal: The said Act, in so far as it grants such Powers to the said Board of Supervision, shall be and the same is hereby repealed.

Register of Lunatics to be kept in Asylums.

XCV. In every Public, Private, and District Asylum there shall be regularly kept a Book, to be entitled "Register of Lunatics," in which shall be distinctly set forth all the Particulars relating to every Lunatic who shall be received or detained in such Asylum in the Manner and Form set forth in the Schedule (I.) hereunto annexed; and a Copy of such Register shall be trasmitted to the Board at such Times as they shall direct; and any Superintendent of any such Asylum who shall fail or neglect to keep such Book, or to transmit such Copy as shall be so directed, shall be liable in a Penalty not exceeding *Twenty Pounds* for every such Offence.

Registration and Notice of Death of Lunatics.

XCVI. In case of the Death of any Lunatic in any Public, Private, or District Asylum, or House, in Terms of this Act, a Statement setting forth the Time and Cause of the Death, and the Duration of the Disease of which the Lunatic died, shall be prepared and signed by the Medical Person who attended the Lunatic during the Illness which terminated in Death, or who attended at the Time of such Death; and in every Public, Private, or District Asylum such Statement shall be entered in a Register to be kept in such Asylum in the Terms set forth in the Schedule (J.) hereunto annexed; and a Copy of such Statement, certified by the Superintendent of such Asylum or House, shall within *Three* Days of the Date of the Death be transmitted to the Board, and also to the Party or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed, and to the Person on whose Application the Lunatic was confined; and every such Medical Person or Superintendent who shall fail in the Duties

prescribed to them as aforesaid shall be guilty of an Offence, and for for every such Offence be liable in a Penalty not exceeding *Fifty Pounds*.

General Register to be kept.

XCVII. The Board, on receiving such Copies of such Register Books and Entries, shall, after making such Examination thereof as he may deem proper, cause the same to be preserved in the Office of the Board; and from the Reports and Returns and Copies of Registers, and other Documents transmitted to the Board, shall cause to be prepared and completed, from Time to Time, as they shall direct, a General Register of all the Lunatics who shall be kept or taken care of under the Provisions of this Act, and such Register shall exhibit the Asylum or House under this Act into which each Lunatic is received, and the Time of his Reception, and also the respective Dates of the Removal, and the Place to which and the Person to whose Care the Lunatic is removed, and also the Date of the Liberation or Death of each Lunatic; and the Board may, at their Discretion, give Information to any Party inquiring into any of the Facts set forth in such Register, or may refuse such Information; and no Inspection of the Contents of such Register, or of any such Copies of Register Books or Entries, shall take place without their written Authority; and any Person making or permitting to be made any Inspection of the Contents of such Register, Register Books, or Entries, without such written Authority, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding *Fifty Pounds*.

Punishment for maltreating any Lunatic.

XCVIII. If any Superintendent, Inspector, Officer, or Servant, or other Person employed in any Public, Private, or District Asylum, or House in Terms of this Act, or otherwise having the Care of any Person detained as a Lunatic Patient under this Act, shall wilfully maltreat, abuse, or neglect any Person so detained, to the Injury of such Person, or if any Person detaining or taking or having the Care or Charge, or concerned or taking part in the Custody, Care, or Treament of any Lunatic or Person alleged to be a Lunatic, in any way abuse, illtreat, or wilfully neglect such Lunatic or alleged Lunatic, such Superintendent, Inspector, Officer, Servant, or other Person shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding *One hundred Pounds*, or to be imprisoned for any Period not exceeding *Six* Months, without Prejudice to any Action for Damages, at the Instance of the Party aggrieved, or of the Person on whose Application he was detained acting on his Behalf, or of any other Person having Interest, in any competent Court of Law: Provided always, that where any such Maltreatment or Abuse shall amount to an

an Assault, the Party committing such Offence may be prosecuted, at the Discretion of the Public Prosecutor, either for such Assault or for the Offence under this Act.

Power to the Lord Advocate to inspect Books of Commissioner.

XCIX. It shall be lawful for the Lord Advocate of Scotland for the Time being at all Times to examine and inspect all the Books, Registers, Minutes, Proceedings, Reports, Returns, Accounts, and Documents of every Description kept by and in possession of the Board, who shall afford all such Information regarding every Particular under his Charge, and the Execution of the Duties therewith connected, as the Lord Advocate shall at any Time require.

Penalty on false Statements, or Refusal to comply with Act.

C. Any Person who shall wilfully make any false Statement or Return or Report, or who shall wilfully make any false Representation upon any Plan or Writing to be used under this Act, or who shall refuse or fail to do any Act or to give any Information which by this Act is required of him, or who shall conceal or refuse to divulge any Matter or Thing as to which Inquiry shall be made of him under this Act, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding *One hundred Pounds*, or to be imprisoned for any Period not exceeding *Twelve* Months.

Board annually to report to Secretary of State.

CI. The Board shall annually, on or before the First Day of February in each Year, report to One of Her Majesty's Principal Secretaries of State regarding the Condition and Management of all Public, Private, and District Asylums, and Houses in which any Lunatic is kept or detained under an Order of the Sheriff, in Terms of this Act.

Orkney and Shetland separate Counties.

CII. Orkney and Shetland, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of this Act.

Provision for the Visitation of Lunatics under Order from Secretary of State.

CIII. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, at any Time, by Order in Writing under his Hand, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine any Person detained or taken charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, and to make a Report to such Secretary of State of such Matters as in such Order shall be directed to be inquired into; and all and every Person or Persons having the Care, Custody, or Charge of any Person to whom such Order in Writing applies shall give every Facility for the due Execution of such Order.

Power to Secretary of State to order a special Visitation of any Place where a Lunatic is represented to be confined.

CIV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to employ the Board or any other Person to inspect and inquire into the State of any Asylum, House, or Place wherein any Lunatic, or Person represented to be a Lunatic, shall be confined, or alleged to be confined, and to report to him the Result of such Inspection and Inquiry; and every such Person so employed, other than the Board, may be paid such Sum of Money for his Attendance and Trouble as such Secretary of State shall deem reasonable; and every such Person so employed, whether the Board or not, shall be allowed his reasonable travelling and other Expenses while so employed; and such Sum of Money for Attendance and Trouble, and such Expenses, shall be charged on and shall be paid out of any Monies to be voted for that Purpose by Parliament.

Penalties, how to be recovered.

CV. All the Penalties and Forfeitures by this Act imposed may be sued for in the Name of the Secretary, or of the Inspector General, or of the Procurator Fiscal of the County in which the Offence shall have been committed or in which the Offender may be found, and may be recovered by summary Proceeding in the Name of such Secretary or Inspector General, or Procurator Fiscal, or of any Agent appointed by the Board, upon Complaint in Writing to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint the Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party by delivering to him in Person, or by leaving at his usual Place of Abode, a Copy of such Order, and of the Complaint whereupon the same has proceeded; and upon the Appearance, or upon the Default to appear, of the Party, it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon such Proof of the Offence as shall satisfy the Sheriff, and without any written Pleadings or Record, the Sheriff shall convict the Offender, and upon such Conviction shall decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expenses as the Sheriff shall think fit, and shall grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, which Period shall in no Case exceed *Six* Months, unless herein otherwise specially provided.

CVI. The

CVI. The Amount of the Penalties or Forfeitures to be so awarded and recovered in respect of any Public or Private Asylum shall be paid and applied towards the general Expenses of the Board; and the Penalties or Forfeitures to be awarded in respect of any District Asylum shall be paid to the District Board of the District in which the Offence shall have been committed, as the Case may be, to be by such District Board applied in Payment of the Expenses of the District Asylum under their Charge as aforesaid; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within *Six* Months after the Commission or Discovery of the Offence for which it was incurred. Application of Penalties.

CVII. No Proceeding for the Recovery of Penalties or Forfeitures under this Act shall be set aside for Want of Form, nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise, or be in any Manner subject to Review. Informalities.

CVIII. The Powers and Authorities granted by this Act to Sheriffs shall be in addition and without Prejudice to the Powers and Authorities otherwise competent to Sheriffs by Law, all which Powers and Authorities, as well as the Powers hereby granted, may be exercised by them in aid and in the Execution of this Act. Powers granted to Sheriffs to be without Prejudice to their Powers at Law.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of SUMMONS by the COMMISSIONERS.

IN the Matter of A.B., a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind].

I, one of the Board of the Commissioners in Lunacy for Scotland, in pursuance of the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*], do hereby grant Warrant to Messengers-at-Arms and Sheriff Officers conjunctly and severally to summon, warn, and charge and each of them, personally or at their respective Dwelling Places, in common Form, to appear before me at [*insert Place*], on the Day of 18 at o'Clock noon, and then and there to testify and bear witness, so far as they and each of them know and shall be asked, concerning the aforesaid Matter, under the Penalties specified in the said Act.

Given at Edinburgh this Day of in the Year One thousand eight hundred and .

C.D., Commissioner.

SCHEDULE (B.)

FORM OF LICENCE by the COMMISSIONERS.

I, one of the Board of the Commissioners in Lunacy for Scotland, do hereby certify, That E.F. of in the Parish of and County of has delivered to me a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics situated at in the County of in which it is proposed to receive Patients not exceeding in Number [*or, in the Case of a renewed Licence,* has delivered to me a List of the Number of Patients now detained in a House and Premises situated at in the County of in which there are at present Patients], and the Board having considered and approved of the same do hereby authorize and empower the said E.F. [he intending *or* not intending to reside therein] to use and employ the said House and Premises for the Reception of

Male

Male [*or* Female *or* Male and Female] Lunatics, whereof are Paupers, for the Space of Calendar Months from this Date.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

C.D., Commissioner.

SCHEDULE (C.)

FORM of STATEMENT to be lodged with a PETITION to the SHERIFF for the RECEPTION of a LUNATIC.

1. Christian Name and Surname of Patient at Length.
2. Sex and Age.
3. Married, single, or widowed.
4. Condition of Life, and previous Occupation (if any).
5. Religious Persuasion so far as known.
6. Previous Place of Abode.
7. Place where found and examined.
8. Length of Time insane.
9. Whether first Attack.
10. Age (if known) on first Attack.
11. When and where previously under Examination, and Treatment.
12. Duration of existing Attack.
13. Supposed Cause.
14. Whether subject to Epilepsy.
15. Whether suicidal.
16. Whether dangerous to others.
17. Parish or Union to which the Lunatic [*if a Pauper,*] is chargeable.
18. Christian Name and Surname and Place of Abode of nearest known Relative of the Patient, and Degree of Relationship (if known).
19. Special Circumstances (if any) preventing the Insertion of any of the above Particulars.

I certify, That to the best of my Knowledge the above Particulars are correctly stated.

Dated this Day of One thousand eight hundred and

[*To be signed by the Party applying.*]

SCHEDULE (D.)

FORM OF MEDICAL CERTIFICATE.

I, the undersigned, [*set forth the Qualification entitling the Person certifying to grant the Certificate, e.g.*, being a Member of the Royal College of Physicians in Edinburgh,] and being in actual Practice as a [Physician, Surgeon, *or otherwise, as the Case may be*], do hereby certify on Soul and Conscience, That I have this Day at [*insert the Street and Number of the House (if any) or other like Particulars,*] in the County of , separately from any other Medical Practitioner visited and personally examined A.B. [*insert Designation and Residence, and if a Pauper state so*], and that the said A.B. is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be detained under Care and Treatment, and that I have formed this Opinion upon the following Grounds, viz. :—

1. Facts indicating Insanity observed by myself [*state the Facts*].
2. Other Facts (*if any*) indicating Insanity communicated to me by others [*state the Information, and from whom*].

(Signed) [*Name and Medical Designation and Place of Abode.*]

Dated this Day of One thousand eight hundred and

SCHEDULE (E.)

FORM of ORDER to be granted by the SHERIFF for the RECEPTION of a LUNATIC.

I, G.H., Sheriff [*or* Sheriff Substitute, *or* Steward, *or* Steward Substitute] of the County [*or* Stewartry] of having had produced to me, with a Petition at the Instance of I.K. [*Name and Designation*], Certificates under the Hands of and being Two Medical Persons duly qualified in Terms of an Act [*specify this Act*], setting forth that they had separately visited and examined A.B. [*describe him, and if a Pauper state so*], and that the said A.B. is a Lunatic, [*or* an Insane Person, *or* an Idiot, *or* a Person of unsound Mind,] and a proper Person to be detained and taken care of, do hereby authorize you to receive the said A.B. as a Patient into the Public [*or* Private] Asylum of and I authorize his Transmission to the said Asylum accordingly, and I transmit to you herewith the said Medical Certi-

Certificates, and a Statement regarding the said A.B. which accompanied the said Petition.

Dated this Day of 18 .

(Signed) G.H.

To the Superintendent of the Public Asylum [*or* Private Asylum] of } [*Designation.*]

SCHEDULE (F.)

NOTICE OF ADMISSION.

I HEREBY give Notice, That A. B. [*describe him*] was received into this House as a Private [*or* Pauper] Patient, on the Day of , and I hereby transmit a Copy of the Order and Medical Certificates and Statement on which he was received.

Subjoined is a Report with respect to the mental and bodily Condition of the above-named Patient.

(Signed) E.F., Superintendent.

Dated at this Day of One thousand eight hundred and .

REPORT.

I have this Day seen and personally examined A.B., the Patient named in the above Notice, and hereby report and certify, with respect to his mental State, that [*insert Particulars*], and with respect to his bodily Health and Condition, that [*insert Particulars*].

(Signed) L. M., Physician [*or* Surgeon].

Dated this Day of One thousand eight hundred and

SCHEDULE (G.)

I, L.M., a Medical Person duly qualified in Terms of the Act [*specify this Act*], certify, on Soul and Conscience, That C.D. [*name and design the Patient*] is afflicted [*state the Nature of the Disease*], but that the Malady is not confirmed, and that I consider it expedient, with a view to his Recovery, that he should be placed [*specify the House in which the Patient is to be kept,*] for a temporary Residence of [*specify a Time, not exceeding Six Months*].

SCHEDULE (H.)

DISTRICTS OR DIVISIONS OF SCOTLAND.

SCHE-

SCHEDULE (I.)

REGISTER OF LUNATICS.

Number in order of Admission.	Date of Admission.	Christian and Surname at full Length.	Sex and Class. Private. M.	Private. F.	Pauper. M.	Pauper. F.	Age.	Condition as to Marriage. Married.	Single.	Widowed.	Condition of Life and previous Occupation.	Previous Place of Abode.	County or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epilepsies.	Congenital Idiots.	Duration of existing Attacks. Years.	Months.	Weeks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge, Removal, or Death.	Discharged. Recovered.	Relieved.	Not improved.	Died.	Observations.
Date of last previous Admission (if any).																															
1	1850. January 3	William Johnson	–	–	1	–	23	–	1	–	–	–	–	–	–	–	–	Melancholia	–	–	–	–	4	–	–	17	1850. Sept. 1	1	–	–	–	–
2																															
3																															
4	1852. June 9	William Johnson	–	–	1	–	25	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	3	1852. Dec. 2	–	–	–	–	–
5																															
6																															
7	1856. May 6	William Johnson	–	–	1	–	29	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	4	1857. June 8	–	1	–	–	–
8																															

SCHEDULE (J.)

REGISTER OF DEATHS.

Date of Death.	Date of last Admission.	Duration of Disease.	Christian and Surname at full Length.	Sex and Class.				Assigned Cause of Death.	Age at Death.		Observations.
				Private.		Pauper.					
				M.	F.	M.	F.		M.	F.	
1850 :	1850 :										
September 1	January 2	—	William Johnson	–	–	1	–	–	23		
1851 :	1852 :										
December 2	June 9	—	John Brown	1	–	–	–	–	25		
1856 :	1855 :										
June 8	May 6	—	William Smith	–	–	1	–	Phthisis	27		

SCHEDULE (K.)

No. 1.

FORM of ASSIGNATION in SECURITY to be granted for MONIES BORROWED on the SECURITY of ASSESSMENTS.

Assignation in Security No. [*insert Number*].

WE Members of the District Board under the Act [*specify this Act*], in pursuance of the Powers of the said Act, do hereby, in consideration of the Sum of [*specify Sum advanced*], assign to [*name and design Creditor*], and his Heirs, Executors, and Assignees, [*or as the Case may be*], all the Assessments to be raised and paid within the said District under the said Act, in Security of the Repayment of the said Sum of and of the Interest thereof after the Rate of Pounds per Centum per Annum from the Day of until Payment, which Sum is to be repayable, with the Interest at the Rate foresaid, as follows: [*state the Terms of Repayment according to the Arrangement*]. And we consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

No. 2.

No. 2.

FORM of TRANSFER of ASSIGNATION in SECURITY.

I [*Name and Designation*], transfer to [*Name and Designation*] and his Heirs, Executors, and Assignees, an Assignation in Security, numbered [*insert the Number of the Assignation*], and dated [*insert Date*], granted by the District Board of the District to [*Name and Designation*], for [*insert the Sum*], and the Interest thereof from the Day of . And I consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

Lunatics (Scotland).

A

BILL

For the Regulation of the Care and Treatmen of Lunatics, and for the Provision, Mainte nance, and Regulation of Lunatic Asylums, i Scotland.

(*Prepared and brought in by The Lord Advocate and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1857.

[Bill 68.]

Under 7 *oz.*

17 *July* 1857. 20 & 21 Vict.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

The Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act to regulate Madhouses in Scotland;" and another Act was passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act for altering and amending an Act "passed in the Fifty-fifth Year of the Reign of His late Majesty, "intituled 'An Act to regulate Madhouses in Scotland;'" and another Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her Majesty, intituled "An Act to alter and amend certain Acts regulating "Madhouses in Scotland, and to provide for the Custody of "dangerous Lunatics;" and it is expedient that the said recited Acts be repealed, and that more efficient Provision be made for the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in

55 G. 3. c. 69.

9 G. 4. c. 34

4 & 5 Vict. c. 60.

in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of the recited Acts.

I. From and after the First Day of January One thousand eight hundred and fifty-eight, the recited Acts shall be and are hereby repealed.

Officers to continue till recalled, and Orders made under the repealed Acts to be good.

II. The Inspectors, Medical Officers, and all other Officers or Servants appointed under or in virtue of the recited Acts, or any of them, shall continue to discharge the Duties of their respective Offices until they shall be re-appointed, or superseded by the Appointment of other Persons, Officers, and Servants to discharge the Duties now performed by them; and all Licences heretofore granted under the recited Acts or any of them shall remain in force until the Expiration of the Periods for which they were respectively granted, or until they are revoked under the Powers of this Act; and all Orders, Matters, and Things granted, made, done, or directed to be done in pursuance of the recited Acts, or any of them, shall be and remain as good, valid, and effectual, to all Intents and Purposes, as if the said Acts had not been repealed, excepting in so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and all Fees, Charges, Liabilities, and Expenses due, payable, or prestable under the said Acts, or any of them, shall be payable and prestable from the same Funds and Sources as would have been applicable to such Payments, and otherwise in the like Manner as if the said Acts had not been repealed.

Interpretation of Words.

III. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Words "the Board" shall mean the Board to be appointed under the Authority of this Act for the Superintendence and Care of Asylums and Lunatics; the Words "Public Asylum" shall mean and include all such Hospitals, Madhouses, or Asylums as are or shall be established for the Custody of Lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the Maker thereof has directed the Appropriation of Funds to the establishing and maintaining any Lunatic Asylum or Hospital, or any Establishment administering Funds for charitable Purposes, without any View to any pecuniary Gain or Profit arising to the Establishment or to the Estate or Funds of the Trust or Charity, and also all Hospitals, Madhouses, or Asylums, other than District Asylums, into which Lunatics committed by Order and Certificate, as herein-after provided, cannot be refused Access or Reception, without special Cause shown; the Words "Private Asylum" shall

shall mean and include all such licensed Madhouses or Asylums as are established for the Reception of more than One Lunatic under the Provisions of this Act, and kept for the pecuniary Gain or Profit of the Proprietors or Superintendents thereof or others interested therein, and into which the Admission of Lunatics is a Matter of Arrangement between the Keeper thereof and the Party seeking or promoting the Reception of the Lunatic therein; the Words "District Asylum" shall mean an Asylum, in Terms of this Act, of One of the Districts described in the Schedule (H.) hereunto annexed; the Words "House, in Terms of this Act," shall mean any House in which a single Lunatic is kept under an Order of the Sheriff; the Word "Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor, and all Persons having any pecuniary Interest therein or in the Profits to be derived therefrom; the Words "Medical Person" shall mean any Person being a Member or Licentiate of one or other of the Royal Colleges of Physicians or Surgeons in Edinburgh or London, or holding a Diploma from the Faculty of Physicians and Surgeons of Glasgow, or being a Fellow or Licentiate of the King and Queen's College of Physicians in Dublin, or of the College of Surgeons in Dublin, or holding the Degree of Doctor of Medicine from One of the Universities of Scotland, England, or Ireland, or having a Right to practise Medicine or Surgery from having served in the Army or Navy, and being in actual Practice as such Physician, Surgeon, or otherwise as aforesaid; the Word "Lunatic" shall mean and include any mad or furious or fatuous Person, or Person so diseased or affected in Mind as to render him unfit in the Opinion of competent Medical Persons to be at large, either as regards his own personal Safety and Conduct, or the Safety of the Persons and Property of others or of the Public; the Word "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; the Words "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and the Magistrates and Council of Burghs; the Expression "Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; the Word "Secretary" shall mean the Secretary to be appointed under this Act; the Expression "Judicial Factor" shall mean and include any Person having charge of Property of a Lunatic, whether as Judicial Factor, Factor Loco Tutoris, Factor Loco Absentis, Curator Bonis, or Tutor Dative, or by reason of Service as Tutor at Law, or as Curator; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include the Sheriff Substitutes; the Words "Sheriff Clerk" shall mean the Sheriff Clerk

and Sheriff Clerk Depute of the County of which he is Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute; the Word "Person" and the Word "Owner" shall extend to Trustees and to Bodies Politic or Corporate as well as to Individuals; and the Word "Month" shall mean Calendar Month.

Constitution of Board.

IV. There shall be constituted for the Purposes of this Act a Board to be called the General Board of Commissioners in Lunacy for Scotland, in manner following:—

1. Three Persons shall be appointed by Her Majesty, One of whom shall be an unpaid Commissioner and Chairman of the Board, and Two of whom shall be paid Commissioners, and shall receive a Salary not exceeding One thousand two hundred Pounds each per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury:

2. It shall be lawful to Her Majesty as often as shall seem expedient, by Warrant under the Hand of the Secretary of State for the Home Department, to appoint not more than Three Persons in all at One Time, to be unpaid Commissioners in Lunacy, for such Period as may be specified in such Warrant:

4. All Vacancies in the Board may be supplied in like Manner from Time to Time as they occur.

Meetings of the Board.

V. The Board shall have an Office at Edinburgh for the Transaction of their Business, and shall meet there, or at such temporary Place as shall be fixed for the Purpose, upon the First Day of November next, or upon the first convenient Day within Ten Days thereafter (of which due Notice shall be given by the Secretary to each of the Members of the Board), and shall thereafter hold Two General Meetings in each Year, One upon the First Wednesday in March and the other upon the First Wednesday in November; and at such First Meeting, and at all other Meetings of the Board, Three of the Members shall be a Quorum, with Power to act in all the Matters hereby committed to the Board; and the Board shall have Power to adjourn for such Time and to such Place as they shall see fit, and to hold Special or pro re nata Meetings, which may be called by the Secretary in such Manner as the Board shall direct; and at all Meetings of the Board the Chairman shall have both an original and a casting Vote.

Board may name Committees.

VI. It shall be lawful to the Board, as often as they deem fit, to appoint any Two or more of their Number as a Committee for the Purposes

Purposes of this Act, or for any Part of such Purposes as the Board may direct, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board; and such Committee shall report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the Board at its next General Statutory Meeting.

Commissioners to take Oath of Office and Secresy.

VII. Every Commissioner shall, before he acts in the Execution of his Duty, take an Oath to the following Effect; (that is to say,)

Form of Oath.

'I A.B. do swear, That I will discreetly, impartially, and faithfully 'execute all the Trusts and Powers committed to me by virtue of 'an Act of Parliament passed in the Year of the 'Reign of Her Majesty Queen Victoria, intituled [here insert the 'Title of this Act], and that I will keep secret all such Matters as 'shall come to my Knowledge in the Execution of my Office, except 'when required to divulge the same by legal Authority, or so far 'as I shall feel myself called upon to do so for the better Execution 'of the Duty imposed upon me by the said Act.

'So help me GOD.'

Which Oath it shall be lawful for the Lord Justice General of Scotland to administer.

Commissioners not to derive Profit for discharging the Duties of their Office.

VIII. The Commissioners shall not derive any Profit or Emolument for the Discharge of the Duties of their Office, excepting as herein mentioned, nor shall they be personally responsible for anything done bonâ fide in the Execution of this Act, or in the Exercise of the Powers herein contained, and the paid Commissioners shall devote their whole Time to the Duties of the said Office.

Powers of Commissioners.

IX. The Board, over and above the Powers hereby specially committed to them, shall have the Superintendence, Management, Direction, and Regulation of all Matters arising under this Act in relation to Lunatics, and to Public, Private, and District Asylums, and to every House in which a Lunatic is kept or detained under an Order of the Sheriff, as herein-after provided, and shall have the Power of granting or refusing Licences to the Proprietors of Private Asylums, and of renewing or transferring any such Licences, and of recalling or suspending the same; and it shall be lawful for the Board from Time to Time to make and establish such Rules and

Regulations as they may deem necessary towards the good Order and Management of all Private and District Asylums, and the Conduct and Duties of the Superintendents, Officers, and Servants thereof, and of the Inspectors, Secretary, Clerk, Officers, and Servants appointed under the Authority of this Act, and to enforce such Rules and Regulations, by Forfeiture of the Licence of any Party not observing the same, and by Recovery of the Penalties authorized by this Act: Provided always, that all such Rules and Regulations shall, before being put into execution, be approved of by One of Her Majesty's Principal Secretaries of State, and such Rules and Regulations shall also be submitted to both Houses of Parliament, if Parliament be then sitting, and if Parliament be not sitting, then within Fourteen Days after the Meeting of the next Session of Parliament: Provided also, that nothing in this Act contained, unless where otherwise specially provided, shall be construed to extend to any Public Asylum existing or in course of Erection at the passing of this Act, further than to enable the Board to authorize and regulate the Inspection and Visitation of such Asylums, and to make and enforce such Rules and Regulations as they shall think necessary in relation to the Books or Minutes to be kept or made, and the Returns of the Entries therefrom to be made to the Board by the Persons having the Management and Care of such Asylums.

Future Public Asylums subject to Act.

X. Provided further, That all such Public Asylums as may be endowed, founded, or established after the passing of this Act, and all Additions to any existing Public Asylum to be hereafter made, shall be under and subject to such and the like Powers and Provisions as existing Public Asylums are by this Act made subject to.

Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.

XI. It shall be lawful for the Board to institute, in such Manner as they shall think fit, an Investigation or Inquiry into any Case falling under the Provisions of this Act which they shall think it necessary or proper to inquire into; and in any Case in which it shall be necessary to obtain Evidence, it shall be lawful for the Board, from Time to Time as they shall see Occasion, with the Concurrence of the Lord Advocate of Scotland for the Time being, or the Solicitor General for Scotland for the Time being acting for and in the Name of the Lord Advocate, to require, by Summons, according to the Form, as nearly as may be, of Schedule (A.) hereunto annexed, and which Summons, as well as the Execution and Service Copy thereof, may be either printed or written, or partly printed and partly written, any Person to appear before them to

to testify on Oath touching any Matter respecting which they are by this Act authorized to inquire, which Oath the Chairman of the Board is hereby authorized to administer; and such Summons shall contain a Warrant to Messengers at Arms and Sheriff Officers to serve the same; and it shall be lawful for any Messenger at Arms or Sheriff Officer to serve such Summons personally, or at the Dwelling Place of the Person named therein, in the same Form and Manner as Summonses and Citations may be served according to the Law of Scotland; and any Person who shall not appear before the Board pursuant to such Summons, or shall not assign some reasonable Excuse for not appearing, or shall appear and refuse to take the Oath or to be examined, shall, on being convicted thereof before the Sheriff, or before a Justice of the Peace of the County or Magistrate of the Burgh within which such Person has his ordinary Residence, or of the County or Burgh within which such Person shall have been by such Summons required to appear and give Evidence, for every such Neglect or Refusal forfeit a Sum not exceeding Thirty Pounds.

Payment of Expenses of Witnesses.

XII. It shall be lawful for the Board to direct the Secretary to pay to any Witness summoned as aforesaid the reasonable Expenses of his Appearance and Attendance in pursuance of such Summons, and the same shall be deemed to be Expenses incurred by the Board in the Execution of this Act, and be taken into account and paid accordingly.

Secretary to be appointed.

XIII. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding Five hundred Pounds per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removeable from his Office by Her Majesty, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, Her Majesty, and Her Heirs and Successors, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and the Secretary shall perform such Duties in the Execution of this Act as the Board shall direct, and shall, in all respects, be subject to the Inspection, Direction, and Control of the Board; and each Secretary shall find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Secretary to make annual Returns.

XIV. The Secretary shall annually transmit to the Commissioners of Her Majesty's Treasury, and there shall be annually laid before both

both Houses of Parliament, a Return exhibiting the Number of Orders granted by the Sheriffs for Admission of Lunatics into any Public, Private, or District Asylum or House, stating the Asylum or House to which such Order was sent, also the Number of Licences granted by the Board for the Continuance, Establishment, or Renewal of Private Asylums, and the Transfer of any such Licence from any one Asylum to another, and describing such Public, Private, and District Asylums by their respective Localities, and stating the Names of the Superintendents of each Asylum, and showing also the Number of Patients, Male and Female, received into and discharged from each Asylum, or removed or transferred from any one House to another, during the preceding Year.

Secretary to keep Books, Minutes, and Accounts, and Accounts to be annually furnished to the Commissioners of the Treasury, &c.

XV. The Secretary shall, under the Directions of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and accurate Accounts of all Monies received and paid by the Board or Secretary, and of all Charges and Expenses incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of August in each Year, and shall be signed by the Chairman of the Board and by One of the paid Commissioners, and shall specify the several Heads of Charge and Expenditure, and be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and may, if they shall deem it expedient, and where not inconsistent with any other Provision of this Act, direct the Balance (if any) to be paid into the Exchequer to the Account of the Consolidated Fund; and an Abstract of such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of March in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Month after the next Sitting of Parliament.

Clerk to be appointed.

XVI. It shall be lawful for the Board to appoint a Clerk, to whom there shall be paid a Salary not exceeding One hundred and fifty Pounds per Annum, and such Clerk shall be removable from his Office by the Board; and upon the Death, Resignation, or Removal of any such Clerk the Board shall appoint a Clerk in his Room; and every such Clerk shall perform such Duties in the Execution of this Act as the Board shall require of him, and shall, in the Performance of his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Board; and each Clerk shall, when so required by the Board, find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

XVII. The

Appointment and Duties of Inspector General.

XVII. The Board shall, as soon after their First Meeting as may be convenient, make General Rules for the Inspection and Visitation of Public, Private, and District Asylums; and it shall be the Duty of the Two paid Commissioners to visit and inspect, at least *twice* in each Year, all the Public and Private and District Asylums, and every Outhouse, Place, or Building thereto belonging, and every House in which any Lunatic is detained under any Order of a Sheriff; and at each such Visitation they shall examine and inquire into the Condition of the Lunatics then confined in such Asylum or House, and also whether any Coercion or Restraint has been imposed on any such Lunatics, and shall record in the Patients Book of such Asylum the State of the Health generally, as well mental as bodily, of such Lunatics, and what Coercion or Restraint has been imposed upon any such Lunatics, and the Cause thereof, and specially such particular Cases as may appear to them to require Remark, and they shall also inquire into the Particulars of the Management and the Condition of each Asylum, as to its State of Repair, Heating, Ventilation, Cleanliness, Supply of Water, Diet, and otherwise, and shall see that the Number of Patients, of whom a correct List shall be furnished to them by the Superintendent of each Asylum, does not exceed the Number for which the Asylum is licensed, and that the Books or Registers hereby directed to be kept in each Asylum are regularly and correctly kept; and each Individual in the Management of any such Asylum or House, or connected therewith, shall disclose to the said Commissioners or either of them every Particular in relation to the keeping and Management thereof, and the Care of the Lunatics therein, into which they shall think fit to inquire; and the said Commissioners shall record in a Book to be kept by them all Inspections, stated and occasional, made by them, and the Particulars thereof, and shall communicate the same from Time to Time to the Board, for their Information; and, in addition to the stated Inspections before mentioned, the said Commissioners shall on all Occasions make any particular Visitation or Inquiry which they may think fit into the Condition of any Public, Private, or District Asylum, or any special Circumstance therewith connected; and shall also be entitled, by Night or by Day, to visit any such Asylum or House, and to report to the Board the Condition thereof; and a Copy of all Entries of the said paid Commissioners, and of the Medical Inspectors herein-after appointed under this Act, in the Patients Book of such Asylum, shall be transmitted to the Board by the Superintendent of such Asylum within Eight Days after such Entries respectively are made, under a Penalty not exceeding Ten Pounds for each Offence in case of Failure.

Commissioners to visit Lunatics in Prisons.

XVIII. The Commissioners shall and may, once or oftener in each Year, on such Day or Days, and at such Hours in the Day, and for such Length of Time as they shall think fit, visit any Prison in which there shall be, or be alleged or supposed to be, any Lunatic, and shall make all such Inquiries as to the Lunatics in such Prison as they shall deem proper, or as the Board may direct.

Commissioners to visit Poorhouses.

XIX. The Commissioners shall and may, on such Day or Days, and at such Hours in the Day, and for such Length of Time as they shall think fit, visit all Poorhouses in which there shall be, or be alleged or supposed to be, any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out in the Parish in which any such Poorhouse shall be situate, and also as to the Dietary, Accommodation, and Treatment of the Lunatics in each such Poorhouse, and shall report in Writing thereon to the Board.

Commissioners may take Assistance of Medical Persons.

XX. It shall be lawful for the Board, where they shall deem it necessary for the beneficial Execution of the Purposes of this Act, to take the Assistance of such Medical Persons, as may be required, and the Expense attending such Assistance shall be defrayed in the Manner in which the Allowance of Medical Persons to be employed by the Board and the Sheriff are herein-after directed to be defrayed.

CLAUSE A.
Secretary of State may appoint One or Two Medical Persons to be Deputy Commissioners.

XXI. If it shall appear to One of Her Majesty's Principal Secretaries of State to be necessary for the Discharge of the Duties imposed by this Act, he shall have Power to appoint, for such Period as he shall think fit, One or more Medical Persons, not exceeding Two in all, to be Deputy Commissioners under this Act; and such Deputy Commissioners shall receive a Salary not exceeding Five hundred Pounds per Annum each, to be paid in like Manner, and out of the like Fund as the other Salaries payable under this Act; provided always, that no such Appointment shall subsist after the Expiration of Five Years from the passing of this Act; and such Deputy Commissioner shall have such of the Powers and perform such Duties as the Board may direct.

CLAUSE B.
Board to cease after Five Years, and the paid Commissioners to be the Inspectors General in Lunacy.

XXII. The General Board of Commissioners in Lunacy for Scotland appointed by this Act shall exist for Five Years from and after the First Day of January One thousand eight hundred and fifty-eight, and no longer; and from and after the Expiration of said Period of Five Years the Two paid Commissioners then acting under this Act shall become Inspectors General in Lunacy for Scotland, subject to the Orders and Direction of One of Her Majesty's Principal Secretaries of State; and the said Inspectors General shall have all the like Powers and Duties of Visitation and Inspection of Public, Private,

Private, and District Asylums, and Houses in Terms of this Act, and of Prisons and Poorhouses, and generally of all Houses and Places in which any Lunatic is kept, which are by this Act conferred upon the Board, and shall do and perform all Duties in connexion with the Objects of this Act which may be prescribed to them from Time to Time by such Secretary of State, and shall be paid for the Performance of their said Office of Inspectors General under this Act such Salary not exceeding One thousand Pounds per Annum as shall be fixed by the Commissioners of Her Majesty's Treasury; and on the Occurrence of any Vacancy in any such Office of Inspector General the same shall be filled up by Her Majesty and Her Heirs and Successors; and every such Inspector General so to be appointed shall take such Oath as is by this Act directed to be taken by the Commissioners under this Act, which Oath it shall be lawful for the Lord Justice General of Scotland to administer.

Clause C. After Five Years Secretary of State may exercise Powers of Board.

XXIII. From and after the Expiration of the said Period of Five Years, it shall be competent to One of Her Majesty's Principal Secretaries of State for the Time being to exercise and perform, or cause to be exercised or performed, from Time to Time, as Occasion may seem to him to require it, all such Powers and Duties by this Act conferred upon the Board and any Member thereof, and its Secretary, or any or either of them, as he may deem necessary or proper, and for that Purpose, by Warrant under his Hand, to invest and charge the Inspectors General under this Act, or One or other of them, from Time to Time, with the said Powers and Duties, or with such and so many of them as he may deem fit; and such Warrant shall be sufficient Authority to such Inspectors General, or One or other of them, as the Case may be, to exercise the Powers thereby conferred, to such Extent, and in such Way and Manner, and during such Time, or from Time to Time, as may be specified in or limited by such Warrant: Provided always, that every such Warrant shall be published in the Edinburgh Gazette, and that a Copy thereof shall, within Fourteen Days from the Date thereof, be laid before Parliament, if Parliament be then sitting, or otherwise within Fourteen days next after the next Sitting of Parliament.

Oath to be taken by Officers.

XXIV. Every Person appointed to be Secretary, Clerk, or Medical or District Inspector, under this Act, shall, before he acts in the Execution of his Duty as such Secretary, Clerk, or Inspector, take an Oath to the following Effect; (that is to say,)

'I A. B. do swear, That I will faithfully execute all such Trusts and 'Duties as shall be committed to my Charge as Secretary [or, 'as Clerk, or, as Medical or District Inspector, as the Case may 'be,] to the Board of Lunacy for Scotland, and that I will keep

'secret all such Matters as shall come to my Knowledge in the 'Execution of the Duties of the said Office (except when required 'by legal Authority to divulge the same).

'So help me GOD.'

And which Oath it shall be lawful for the Chairman of the Board to administer.

Sheriff to visit and inspect Asylums.

XXV. It shall be lawful for the Sheriff at all Times to visit and inspect, either alone or with some Medical Person, every Public Private, and District Asylum and House within his Jurisdiction, in which any Lunatic is kept or detained under any Order of the Sheriff, and to institute Inquiry into the Care and Management of such Asylums and Houses, and into the Conduct of the Superintendents, Medical Persons, Officers, and Servants therein or connected therewith, and he shall insert in the Patient Book of such Asylum or House any Observations which he may deem necessary.

Justices of the Peace to visit and inspect Asylums.

XXVI. It shall be lawful for the Justices of the Peace of every County to appoint, at a Quarter Sessions of the Peace to be held annually on the same Day on which the Michaelmas Meeting of the Commissioners of Supply takes place, any Three of their Number to visit and inspect any Public, Private, or District Asylum situated in such County; and such Three Justices, or any Two of them, shall, once at least during the ensuing Year, visit and inspect such Asylums accordingly, and insert in the Patients Book of such Asylum such Observations as they may deem necessary.

Licences for Private Asylums, and Orders, and Certificates.

And with respect to the licensing of Private Asylums, and to Orders for the Reception of Lunatics, and Medical Certificates, under this Act, be it enacted:

On Application for Licence, Plan of the House to be exhibited.

XXVII. All Private Asylums shall be licensed by the Board, such Licences being granted to the Superintendent of the Asylum; and all Applications for Licences to keep Private Asylums, and Applications for Leave to transfer any Licence from any one House or Asylum to another, shall be made to the Board; and with the Application there shall be laid before them a Statement of the Name and Qualification of the Superintendent, with a Plan, upon such Scale as the Board shall direct, of any House used or proposed to be used as a Private Asylum, showing accurately the Number and Dimensions of the Apartments, and Offices, and Airing Places, and the Courts, Gardens, and other Accommodations, with a Statement as to the Supply of Water, and all further Particulars which the Board may require to be communicated; and such Application shall state also the greatest Number of Lunatics of each Sex proposed to be received into such House; and if any Alteration

Alteration shall at any Time be made on any such House and Premises between the first granting of any Licence for the same and the subsequent Renewals of such Licence, such Alterations shall be fully and distinctly stated and exhibited upon a Plan when the Application for the Renewal is made.

Licences to be granted by the Board.

XXVIII. Every Licence to be granted by the Board shall be according to the Form in the Schedule (B.) hereunto annexed, or as near thereto as conveniently may be, and shall bear a Stamp denoting a Duty of Ten Shillings and shall be granted for such Period, not exceeding Thirteen Months, as the Board shall think fit; and for every Licence to be so granted (exclusive of the Sum to be paid for the Stamp) there shall be paid to the Secretary the Sum of Ten Shillings and no more for every Patient, not being a Pauper, and the Sum of Two Shillings and Sixpence and no more for every Patient, being a Pauper, proposed to be received into such House, and if the total Amount of such Sums payable to the Secretary shall not amount to the Sum of Fifteen Pounds, then so much more for each Patient in proportion to the above Charges of Ten Shillings and Two Shillings and Sixpence as will make up the Sum of Fifteen Pounds; and no such Licence shall be delivered until the Sum of Fifteen Pounds at least shall be paid for the same; Provided always, that, if the Period for which the Licence is granted shall be less than Thirteen Months, it shall be lawful for the Board to reduce the Payment proportionably as they shall think just.

In case of Refusal to renew, temporary Continuation of Licence.

XXIX. In any Case in which the Board shall refuse to grant Renewal of an existing Licence, the Board may continue, without any further Payment, such existing Licence for a Period not exceeding Three Months from the Date at which the same would expire; and during the Period of such Continuation the Asylum in respect of which the Application is made, and the Superintendent, Medical Persons, Officers, and Servants thereof, shall be under and subject to all the Regulations imposed upon such Asylums by this Act in the same Manner as if the existing Licence had been renewed.

Licence and Patients may be transferred.

XXX. If any Person to whom any Licence shall have been granted under this or the said recited Acts shall become incapable of keeping, or be desirous to discontinue keeping, the Asylum in respect of which such Licence was granted, or shall die, it shall be lawful to the Board, on Application to that Effect, to transfer such Licence, if the Board shall think fit, for the Term then unexpired of such Licence, to such Person as the Board shall in Writing approve, and such Licence shall be held to be un-

expired and good and efficient from its original Date; and in case of a Licence granted to Two or more Persons, such Licence, in the event of the Death of any One or more of such Persons, shall, subject to the Provisions of this Act, remain in force to the Survivors or Survivor of such Persons until the Expiration thereof.

Sums to be paid for Orders of Admission to Public Asylums.

XXXI. For every Order to be granted by the Sheriff for the Admission of a Patient, not being a Pauper, into any Public Asylum, there shall be paid for the general Purposes of this Act the Sum of Five Shillings; and for every such Order for the Admission of a Pauper Patient there shall be paid for the like Purpose the Sum of Two Shillings and Sixpence; and such Sums shall be paid to the Sheriff Clerk, and shall, from Time to Time as the Board shall direct, be remitted by the Sheriff Clerk to the Secretary, under the Deduction of Two Shillings and Sixpence to which the Sheriff Clerk is by this Act entitled for making out eachOrder; and every Sheriff Clerk failing to make such Remittance shall be subject to a Penalty not exceeding Ten Pounds for each Offence.

Monies received for Licences, &c. to be applied in Payment of Salaries and other Expenses of Act.

XXXII. All Monies received for Licences, and for Orders of Admission, and for Searches to be made in pursuance of this Act, as aftermentioned, shall be retained by the Secretary, and be applied by him in or towards defraying the Salaries and travelling and other reasonable Expenses of the Commissioners and the Salaries and Allowances of the Secretary and Clerk, and of the Inspectors and Medical Persons employed by the Board or by the Sheriff in examining and visiting Lunatics, or Persons supposed to be Lunatics, as well before as after their Detention, and the Expenses attending the same, and the Expense of providing a Place for the Office of the Board, and for the necessary Accommodation of them, and the Secretary, Officers, and Servants of the Establishment; and in the event of there being in any Year any Surplus of such Monies, after providing for the Salaries and Expenses aforesaid, such Surplus shall be paid to and divided among the District Boards, for the Purposes of this Act, in the Proportion of the Sums raised by each such District Board for the Purposes of this Act in the Year in which such Surplus arises; and all Monies payable and that shall be paid under this Act to the Board or the Secretary shall be lodged in an Account to be opened in one of the Banks of Issue in Scotland, and the Payments thereout shall be made by Orders which shall be signed by the Board.

Balance of Payments overReceipts may be paid

XXXIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby directed and empowered, from Time to Time, on Application to them by the Board, to cause to be issued and paid

paid to the Secretary, out of Monies to be voted for that Purpose by Parliament, such a Sum of Money as the Board shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expenses herein-before directed to be paid out of the Monies received for Licences, and otherwise as aforesaid, as such Monies shall in each or any Year be inadequate to pay, and the Secretary shall thereupon apply such Money, under the Directions of the Board, in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expenses respectively; and it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, on the Recommendation of the Board, to advance by way of Imprest to the Secretary such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expenses as aforesaid, such Sum or Sums to be accounted for in the then next Account to be furnished to the said Commissioners of Her Majesty's Treasury under this Act.

out of Monies to be voted by Parliament.

XXXIV. It shall be lawful for the Sheriff to grant Orders for the Reception of Lunatics into any Public, Private, or District Asylum or House, in Terms of this Act; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) hereunto annexed, and also accompanied by Certificates in the Form of Schedule (D.) hereunto annexed, bearing Date within Seven clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, one of whom may be the Medical Superintendent or Consulting Physician of a Public or District Asylum; and such Orders shall be in the Form of Schedule (E.) hereunto annexed; and for every such Order there shall be paid to the Sheriff Clerk the Sum of Two Shillings and Sixpence as his Fee for preparing the same; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Three Days prior to the Reception of such Lunatic, or, if such Order be granted by the Sheriff of Orkney and Shetland, within Twenty-one Days prior thereto.

Lunatic to be admitted by Order, and on Medical Certificates.

XXXV. Every Medical Person signing any Certificate under or for the Purposes of this Act shall specify therein the Facts upon which he has formed his Opinion that the Person to whom such Certificate relates is an insane Person, an Idiot, or a Person of unsound Mind, and distinguish in such Certificate Facts observed by himself from

Medical Certificate to specify Facts on which Opinion of Insanity has been formed.

from Facts communicated to him by others; and no Person shall be received into any Asylum or House, in Terms of this Act, under any Certificate which purports to be founded only upon Facts communicated by others.

Orders and Medical Certificates may be amended.

XXXVI. If, after the Reception of any Lunatic, it appear that any Order or Medical Certificate upon which he was received is in any respect incorrect or defective, such Order or Medical Certificate may be amended by the Person signing the same, at any Time within Fourteen Days after the Reception of such Lunatic; provided, nevertheless, that no such Amendment shall have any Force or Effect unless the same shall receive the Sanction of the Board.

Copies of Orders, Medical Certificates, &c., to be sent to the Board.

XXXVII. The Superintendent of every Public, Private, or District Asylum, or House in Terms of this Act, shall, after Two clear Days and before the Expiration of Fourteen clear Days from the Day on which any Patient shall have been received, transmit to the Board, along with a Copy of the Order, and Medical Certificates, and Petition and Statement accompanying the same, on which such Person shall have been received, a Notice of such Admission, and a Report, signed by the Medical Attendant of such Asylum, or by the Medical Attendant of the Lunatic in such House, according to the Form in Schedule (F.) hereunto annexed; and every Superintendent of any such Asylum or House who shall neglect to transmit as aforesaid such Copy, Notice, and Report shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds; and the Sheriff Clerk shall, within Seven Days after any such Order shall have been granted, send to the Board a Notice, stating the Party by whom the Application was made, and the Party to whom the Order applied, the Medical Persons granting the Certificates, the Sheriff by whom the Order was granted, and the Asylum or House to which it was addressed; and any Sheriff Clerk failing to send such Notice within such Time shall for every such Neglect forfeit a Sum not exceeding Ten Pounds.

No Certificate to be granted without Examination.

XXXVIII. If any Person shall grant any such Certificate or Statement as aforesaid without having seen and carefully examined the Person to whom it relates, at the Time and in the Manner specified in such Certificate, with a view to ascertain the Condition of such Person to the best of his Knowledge and Power, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Fifty Pounds; and if any Person shall wilfully and falsely grant any such Certificate to the Effect of any Person being a Lunatic, the Person so granting such Certificate shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding

Penalty on granting false Certificate.

exceeding Three hundred Pounds, or be liable to Imprisonment for any Period not exceeding Twelve Months.

Penalty for receiving Lunatics without a Licence or the required Order.

XXXIX. Any Person who shall be convicted of receiving, concealing, detaining, or harbouring any Lunatic, or any Person as such, in any Asylum or House kept for the Reception and Care of Lunatics requiring to be licensed in Terms of this Act, but which shall not be so licensed, and any Person who shall be convicted of sending or delivering any Lunatic, or Person as such, for Custody in any such Asylum or House, knowing the same not to be so licensed, and any Person who shall be convicted of receiving, detaining, or harbouring any Lunatic, or Person as such, in any Public or Private or District Asylum or House, without an Order, where such Order is by this Act required, or notwithstanding an Order to liberate in Terms of this Act, and any Person who shall be convicted of sending or delivering any Lunatic, or any Person as such, for Custody in any Public, Private, or District Asylum or House, without an Order, where such Order is by this Act required, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Space not exceeding Twelve Months.

Board may grant an Order for Search of Records as to whether any particular Person has been confined as a Lunatic within Twelve Months.

XL. If any Person shall apply to the Board in order to be informed whether any particular Person is confined in any Asylum or House by this Act made subject to the Visitation of the Board, the Board, if they shall think it reasonable to permit such Inquiry to be made, shall issue an Order to the Secretary, and the Secretary shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings, (to be applied for the Purposes of this Act,) make search amongst the Returns made in pursuance of this Act, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any such Asylum or House; and if it shall appear that such Person is or has been so confined, the Secretary shall deliver to the Person so applying a Statement in Writing specifying the Situation of the Asylum or House in which the Person so inquired after appears to be or to have been confined, and also (so far as the Secretary can ascertain from any Register or Return in his Possession) the Name of the Superintendent or Principal Officer of such Asylum or House, and the Date of the Admission of such Person into such Asylum or House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

As to Lunatic received into any Private House.

XLI. No Person shall receive or keep any One Lunatic, or Person alleged to be a Lunatic, in any Private House in which not more

more than One Lunatic is kept, without the like Order by the Sheriff and Medical Certificates as are required in respect of the Reception of a Lunatic into a Private Asylum, unless such House shall be the Dwelling Place of such Lunatic; and any Person who shall so receive any Lunatic shall, within Seven clear Days thereafter, transmit to the Board a Copy of the Order and Medical Certificates, and Petition and Statement accompanying the same, on which such Lunatic shall have been received, stating the Date of Reception, the Situation of the House, and the Christian Name and Surname of the Owner and Occupier thereof and of the Medical Person attending upon such Patient, and shall also upon the First Day of January in every Year, or within Seven Days thereafter, transmit to the Board a Certificate, signed by a Medical Person, describing the State of the Health, mental and bodily, of the Lunatic; and every such Lunatic shall be visited at least once in every Fortnight, unless the Board shall otherwise regulate such Visits, by a Medical Person, who shall enter in a Book to be kept at such House the Date of each Visit, and the Condition of the mental and bodily Health of the Lunatic at each such Visit; and it shall be in the Power of the Board to order such Inspection and Visitation of every such House from Time to Time as to them shall seem proper; provided that this Enactment shall not apply to any Case where the Party so received and kept has been sent to any such House for the Purpose of temporary Residence only, not exceeding Six Months, and under the Certificate of a Medical Person, which Certificate shall be in the Form of Schedule (G.) hereunto annexed; and every Person who shall receive and keep in any unlicensed House, excepting as before mentioned, any Lunatic, or Person alleged to be a Lunatic, without such Order and Medical Certificates, or who, having so received and kept such Lunatic, shall not transmit to the Board such Copies and Statements as aforesaid, or shall fail to cause or permit such Lunatic to be visited as aforesaid and such Book to be kept, and every Medical Person who shall knowingly make a false Entry in such Book, shall severally be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds, or be liable to be imprisoned for any Period not exceeding Three Months.

House where Lunatic detained under Order of the Sheriff may be visited.

XLII. It shall be in the Power of the Board to order such Visitation and Inspection as they may deem proper of every House, in Terms of this Act, though not a Public, Private, or District Asylum, and, if the Board shall see Cause, by reason of improper Treatment of such Lunatic, to transfer such Lunatic to any other such House, or to any Public, Private, or District Asylum, as may

may be deemed most expedient; and the Expense of maintaining such Lunatic in such other House, or Public, Private, or District Asylum, shall be chargeable on the Property of such Lunatic (if he any have), or on the Party or Parish legally bound for his Maintenance and Support.

Board may order Examination of Lunatics in Private Houses.

XLIII. If any Occupier or Inmate of any Private House shall keep or detain therein, without an Order by the Sheriff, any Person as a Lunatic, although One of the Family or a Relative of such Occupier or Inmate, beyond the Period of a Year after the Malady becoming apparent and confirmed, and where it has been such as to require during any Part of such Period Coercion or Restraint, such Occupier or Inmate, or the Medical Person attending such Lunatic or Person so detained, shall intimate such Detention to the Board, and shall transmit to the Board a written Certificate, signed by One Medical Person, of the Condition of the Person so detained, and shall state to the Board the Reasons which render it desirable that such Person should remain under private Care; and if the Board shall have reason to believe or suspect that any Lunatic, or any Person treated as a Lunatic, of whose Condition no such Intimation shall have been made, is detained or kept or is dwelling in any Private House, and that the Malady of such Person has endured for any Period beyond a Year after the same has become apparent and confirmed, and is such as to have required Coercion or Restraint, or if such Intimation shall have been made, and the Reasons stated appear to the Board to be insufficient, and they shall be of opinion that it is necessary that Inquiry should be made into the Case, they shall apply to the Sheriff, who shall have Power to make such Inquiry as he thinks fit; and if upon such Inquiry it shall appear that such Person is a Lunatic, and has been so for a Space exceeding a Year after the Malady shall have become apparent and confirmed, and such as to have required Coercion or Restraint, and that there are Circumstances rendering the Removal of such Lunatic to the Care of an Asylum necessary or expedient, it shall be lawful for the Sheriff to grant Warrant for the Removal of such Lunatic to an Asylum, and the Order of the Sheriff shall be sufficient Authority to the Proprietor or the Keeper of any Public or other Asylum to which the Lunatic shall be sent to receive and detain such Lunatic accordingly; and any Person who shall, in the contrary hereof, keep, harbour, or conceal, or be aiding in the keeping, harbouring, or concealing of any Person as a Lunatic, without such Intimation thereof to the Board as aforesaid, or otherwise than under the Authority of this Act, and any Medical Person attending on such Person confined as a Lunatic beyond such Period, who

shall wilfully neglect to disclose the Condition of such Person so confined to the Board, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Two hundred Pounds, or to be imprisoned for any Period not exceeding Three Months.

Patients may be transferred.

XLIV. If the Superintendent of any Asylum shall have obtained Leave to transfer the Licence granted to such Superintendent from one House or Building to another House or Building, and shall be desirous on that Account, or for other good Cause, to be submitted to the Board, and of which they shall judge, to transfer the Patients under the Care of such Superintendent to such other House or Building, and shall make Application to the Board to that Effect, it shall be lawful for the Board on being satisfied that due Notice has been given of such Application to the Persons respectively on whose Application the several Patients proposed to be transferred were confined, to grant written Authority for the Transfer of such Patients accordingly, without any new or additional Order from the Sheriff, or new or additional Medical Certificates; and such Superintendent shall, within Eight Days after such Transfer, transmit to the Commissioner a List of the Patients transferred, and in case of Failure so to do shall be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds.

Medical Attendance upon Asylums.

XLV. In every Asylum licensed for One hundred Patients or more there shall be a Medical Person resident therein as the Medical Attendant thereof; and every Asylum licensed for more than Fifty and less than One hundred Patients, in case there shall be no resident Medical Person therein, shall be visited daily by a Medical Person; and every such Asylum licensed for Fifty or less than Fifty Patients, in case there shall be no resident Medical Person therein, shall be visited at least twice in every Week by a Medical Person: Provided always, that it shall be lawful for the Board to decide that any Asylum shall be visited by a Medical Person at any other Times not being oftener than once a Day; provided also, that the Board shall be entitled, if they shall see Cause, to require that a resident Medical Person shall be appointed to any Asylum licensed for more than Fifty Patients.

Board, where Licence is for less than Eleven Persons, may lessen the Number of Medical Visits.

XLVI. Provided further, That where any Asylum is licensed to receive less than Eleven Lunatics, it shall be lawful for the Board, by written Authority, to permit that such House shall be visited by a Medical Person at such Intervals, more distant than twice in every Week,

Week, as the Board shall appoint, but not at a greater Interval than once in every Two Weeks.

Access of Friends and others to Lunatics.

And with respect to the Access of Friends and others to Lunatics, be it enacted:

Power to Ministers and Friends of Patients to visit them, subject to Regulations of Asylum.

XLVII. The Minister of any Parish wherein any Public, Private, or District Asylum, or House in Terms of this Act is situated, or the Minister of the Congregation of any Denomination of Christians to which any Patient detained in any such Asylum or House belongs, or any Relative of any such Patient, or when such Patient is a Pauper, any Member of the Parochial Board liable to maintain such Patient, shall, subject to such general Conditions or Regulations as the Superintendent and Medical Attendant of such Asylum or House may, with the Sanction of the Board, think it proper to impose, have Liberty to visit any Patient in any such Asylum: Provided always, that such Superintendent and Medical Attendant may, where any special Circumstances of the Case may render it proper and expedient, refuse to admit such Minister, Relative, or Friend, or may accompany the Permission to visit any Patient with such Conditions and Regulations as the Circumstances may require; provided that in every such Case he shall intimate such Refusal, and the Grounds of it, to the Board; and the Decision of the Board therein, after Consideration of the Matter, shall be final and conclusive; and an Entry of every such Refusal, and of the Proceedings had thereon, shall be forthwith made in the Register of such Asylum; and a Copy of every such Entry shall, within Two Days after the same is made, be transmitted to the Board.

Power to Board to grant Orders for Access to Patients.

XLVIII. It shall be lawful for the Board at any Time to give an Order in Writing for the Admission to any Patient confined in any Asylum or House of any Relation or Friend of such Patient (or of any Medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Superintendent or Keeper of any such Asylum or House shall refuse Admission to or shall prevent or obstruct the Admission to any Patient of any Relation, Friend, or other Person, who shall produce such Order of Admission as aforesaid, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds.

District Asylums.

And with respect to District Asylums, be it enacted:

Districts fixed.

XLIX. With a view to the Erection of Asylums for the Reception and Care of Pauper Lunatics, and for the Purposes of this Act, Scotland shall be divided into such Districts or Divisions as are set forth and described in the Schedule (H.) hereunto annexed.

District Boards to be appointed.

L. Within Two Months after the passing of this Act, and thereafter at the First Meeting of the Prison Board in each Year, there shall be chosen, for each District respectively, out of the Commissioners of Supply and Magistrates of Burghs in each County respectively, by the Members of the County Prison Boards of the Counties included in such District acting under the Act of the Second and Third of Her Majesty, Chapter Forty-two, a Board, to be called "The District Board," the Number of the Members whereof shall be fixed by the Board, who shall also fix the Number of the Members of each District Board to be elected by each County Prison Board respectively, and such Number shall be proportioned as nearly as may be to the real Rent of the Property situated in each County, as the same is directed to be ascertained and estimated, according to the real annual Value thereof in reference to the Assessments authorized to be levied under the said last-mentioned Act; and in the event of the Decease, or permanent Absence or Incapacity, of any of the Members of the District Board, the Vacancy thereby occasioned shall be filled up at the First Meeting after the Occurrence of such Vacancy of the County Prison Board of the County from which the Member occasioning such Vacancy was elected; and such District Board shall meet at such Times and Places as shall be fixed by the Board from Time to Time, and shall have Power to adjourn, and also appoint Committees of their Number, to whom may be delegated all or any Part of the Powers hereby committed to such District Boards; provided always, that the Meetings of such District Board shall be called and conducted in all respects as Meetings of a Prison Board are in use to be called and conducted.

Board to inquire into the Necessities of the Districts, and require Asylums to be provided.

LI. The Board shall, as soon as may be, make Investigation into the Population and Necessities, as regards Accommodation for the Pauper Lunatics, of the several Districts hereby established, and into the Accommodation for the Care of such Pauper Lunatics (if any) already existing for such Districts; and upon Consideration of the Result of such Investigation it shall be lawful for the Board to determine, either that the existing Accommodation for the District, with or without additional Accommodation, is sufficient, or that a District Asylum for Pauper Lunatics shall be provided for the

the District, and the Board shall communicate the Result of such Investigation to the District Board of such District, and may require the District Board to order Plans of the District Asylum to be prepared, together with Specifications and Estimates of the probable Expense of erecting and completing the same, or of altering or enlarging and adapting any existing Asylum, House, or Accommodation to the Purposes of a District Asylum under this Act, and to report the same, and also their Opinion of an eligible Site for such District Asylum, where a new one is to be provided, to the Board.

Board to require the District Boards to provide District Asylums.

LII. If and when the Board shall have approved of the Plan, Specification, Estimate, and Site proposed in the Report to be so made by the District Board, it shall be lawful for them to require the District Board, as soon as practicable thereafter, and within a Period not exceeding Two Years after being so required by the Board in Writing, to erect and provide a suitable District Asylum, with all the Accommodation, Upfitting, and Furniture necessary for the Reception, Confinement, and Care therein of the Pauper Lunatics of the District; and all the Powers and Provisions of the said last-mentioned Act relative to acquiring and holding Lands and Heritages shall be applicable to and be construed along with and as Part of this Act, and shall be of the like Force and Effect for enabling the District Board to acquire and hold Lands and Heritages for the Purposes of this Act as for enabling the County Prison Boards to acquire and hold Lands and Heritages for the Purposes of the said last-mentioned Act.

2 & 3 Vict. c. 42. applied to this Act.

District Asylums vested in District Boards.

LIII. The Property of the District Asylums, not being any Asylum otherwise vested by the Constitution or Endowment thereof, shall, subject to the Use of the same for the Purposes of this Act, as herein provided, together with the whole Moveable Property, Goods, and Effects in such District Asylums, subject to the like Use, be vested in the District Boards of the District, who shall be entitled to acquire, hold, and administer the same as aforesaid; and if, from any Change of Circumstances in a District, the Accommodation for the Lunatics of such District shall have become insufficient, it shall be lawful for the Board to call upon the District Board of such District to provide such farther Accommodation as is required, and where Enlargement or Alteration is required, to add to or alter any existing Asylum in such Manner and to such Extent as shall be necessary for the Wants of the District, and where a new District Asylum shall be necessary, to provide and erect such new District Asylum; and it shall be lawful for the District Boards to sell or dispose of the old District Asylum, and to apply the Price to be obtained for the same towards Payment of the

Expense of providing and completing the new District Asylum; and the Expense of providing such new District Asylum, or such Part thereof as may be necessary, shall be raised and levied in such and the like Manner as the Expense of providing the original District Asylum is herein directed to be raised and levied.

Assessments.

And with respect to Assessments for the Purposes of this Act, be it enacted:

Expense of District Asylum how to be raised.

LIV. The Expense of providing, building, altering, enlarging, and repairing, and fitting up and furnishing District Asylums, and the whole Expense of maintaining the Establishment for the First Year after the opening of the same, and also the after Expense of altering, repairing, and keeping in repair such District Asylums, and of the Surveys, Plans, and Investigations in relation thereto, shall be ascertained by the Board from the Estimates or Reports to be made thereof by the District Boards; and the gross Amount of such Expense shall be apportioned by the Board upon the Landward Parts of Counties, and upon the Burghs respectively, within such Districts, according to the Real Rent of the Lands and Heritages in Terms of the Act of the Seventeenth and Eighteenth of Her Majesty, Chapter Ninety-one, within such Landward Parts of Counties and Burghs respectively; and the Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively, for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, for such Burgh, of the whole Sum or Proportion to be levied on such Burgh and the Landward Part of such County respectively; and the Portion of the gross Amount of such Expense which shall be apportioned as aforesaid on the several Landward Parts of Counties shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Commissioners of Supply of each County respectively; and the Portion thereof which shall be apportioned as aforesaid on the several Burghs shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Magistrates of each Burgh respectively, in the same Way and Manner in all respects, and upon such and the like Property, according to the real Rent of such Property, and from such Persons, and by such and the like Process and Means of Recovery, and under the like Deductions and Exemptions, and with and under the same Powers and Provisions as to any disputed Matter and otherwise, and generally in all respects

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as if such Portions of the said gross Amount apportioned under this Act were Portions of a gross Amount of Sums estimated in Terms of the Fortieth Section of the said Act of the Second and Third Years of Her Majesty, Chapter Forty-two, and directed by that Act to be assessed on the said Counties and Burghs respectively; and the said last-mentioned Act shall, in so far as the same is hereby made applicable to the raising Assessments for the Purposes of this Act, be construed herewith as if the same were a Part of this Act; and the Collectors or other Persons employed in reference to Assessments under the last-mentioned Act, or any other Act, may be employed, and shall be bound to act, in the like Capacity under this Act; and the Assessments under this Act may, if thought proper by the said Commissioners of Supply and Magistrates of Burghs respectively, be assessed, laid on, and collected along with any Assessments under the said last-mentioned Act, or along with any Assessments under any other Act.

Expense of Asylums to be defrayed out of Assessment.

LV. The Commissioners of Supply in each County, or their Convener or Collector, and the Magistrates in each Burgh, or their Collector, shall, at their Risk, and free of all Expenses, remit the whole Sum apportioned on such County and Burgh respectively, within Eight Months after Notice by the Commissioners aforesaid, and in the Manner directed by the said last-mentioned Act, to or on account of the District Board, who shall apply the same in defraying the Expense to be incurred in erecting and providing such District Asylums, and fitting up and furnishing the same, and also in defraying the Expense, for a Period not exceeding One Year after the opening of such Asylum, of the Superintendent, Clerk, Officers, or Servants, and of the Medical Attendants to be employed therein; provided that the Expenses of the Superintendent and other Officers and Servants shall not be so defrayed for such Period if the Amount of the Monies to be received as herein-after provided shall be adequate to defray the same, or longer than while such Monies shall be inadequate so to do.

Special Arrangements.

And with respect to special Arrangements, be it enacted:

Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.

LVI. Where any Property or Money is or shall be mortified, conveyed, or made over, in trust or otherwise, for the Erection or Establishment of any Asylum or Hospital for Lunatics, for the Use of any County or Counties or Parish or Parishes, and such Property or Money shall be vested, in whole or in part, in the Hands of the Trustees of such Trust or others, they shall be entitled to apply such Money or Proceeds of such Property in Payment of the Assessments leviable for the Purposes of this Act upon such County or Counties, or Parish or Parishes, or to apply the same towards

the Trust Purposes of the Mortification or Endowment, in the Erection of the Asylum, Hospital, or other Establishment thereby prescribed; and in such last Case such Asylum, Hospital, or other Establishment may be transferred, made over, or be otherwise made available to the District Board in which the same is situated, for the Purposes of this Act, in such and the like Manner as is herein provided in respect of any existing Asylum, Hospital, or available Accommodation in any District; and such County or Counties or Parish or Parishes shall thereupon be relieved to the Extent of the Payment made from such Assessment, or to the Extent of the Value of the Asylum, Hospital, or Accommodation, or Part thereof transferred, made over, or made available to the District Board.

County making over Asylum to the District Board to have Deduction of Value.

LVII. If in any County or Counties, or Parish or Parishes, there shall be any Asylum or Hospital or other available Accommodation for Lunatics provided for such County or Counties, or Parish or Parishes, or Part thereof, the Use whereof can be validly transferred or made over, or can be made effectually available to the District Board of any District, for their exclusive Use, for the Reception and Confinement of Pauper Lunatics therein, under the Provisions of this Act, such County or Counties, or Parish or Parishes, or Part thereof, by which any such Asylum or Hospital or Accommodation shall be so transferred, made over, or be made available to the District Board, shall be entitled to Deduction from the Amount of the Assessments leviable upon such County or Counties, or Parish or Parishes, or Part thereof, to the Extent of the Value of the Asylum or Hospital or Accommodation to be thereby made over to the District Board of such District.

Right of Accommodation may be bought up.

LVIII. If in any District there shall be any Public Asylum wherein any other District, or any Parish or Parishes or others within any other District, have any Right to Accommodation, it shall be lawful for the District Board of the District in which such Asylum is situated to apply so much of the Assessment leviable in such District under this Act as may be necessary towards the purchasing up such Right of Accommodation, by Payment of the Value thereof to the District Board of the District which has such Right, or in which any Parish or Parishes having such Right is or are situated; and the District Board receiving the same shall apply the Amount towards the procuring Accommodation for the Pauper Lunatics of the District of such District Board; and the Parish or Parishes or others in whom such Right is vested shall be entitled to Deduction from any Assessment to be levied for the Purposes of this Act upon such Parish or Parishes or others to the Extent of the Sum to be paid as the Value of their respective Rights of Accommodation to be so purchased.

District Boards may agree with existing Asylums for the Reception of Pauper Lunatics.

LIX. In case there shall be any Asylum established in any District, or within a convenient Distance therefrom, or having convenient Means of Communication therewith, which shall have sufficient Accommodation for the Reception of the Pauper Lunatics of such District, or can be easily rendered adequate to the Reception of such Pauper Lunatics or any Portion of them, the District Boards of such Districts shall, before proceeding to assess for or erect any District Asylum, contract with the Proprietors or Parties interested in any such Asylum for the Use of the whole or any Part of the same, or for the Reception and Maintenance of the Pauper Lunatics of such District, or any Portion of them, upon such Terms as shall be arranged between the District Board and such Proprietors or Parties interested; and in case of Difference between the District Board and Proprietors or Parties interested relative thereto, such Difference shall be subject to the Decision of the Board; and where any such Agreement shall be completed with a public Asylum, the Portion of such Asylum which shall, in Terms thereof, be appropriated to the Reception of such Pauper Lunatics, shall be equivalent to a District Asylum for Pauper Lunatics according to the Meaning of this Act, and shall be and remain under the Care and Management of the Proprietors or Parties interested therein, subject to the Power of Inspection and Visitation, and Power of making Regulations herein-before conferred upon the Board.

As to Pauper Lunatics to be received into the Crichton Institution at Dumfries or the Southern Counties Asylum.

LX. The Trustees and Directors of the Crichton Royal Institution for Lunatics at Dumfries shall be obliged to receive in such Asylum or in the Southern Counties Asylum the Pauper Lunatics who shall be sent thereto by the Parochial Boards of the Counties of Dumfries and Wigtown and the Stewartry of Kirkcudbright, upon Terms not exceeding those and upon the Conditions herein provided and prescribed in respect of Pauper Lunatics sent to the District Asylums to be established in virtue of this Act; and the Monies to be received by the said Trustees and Directors shall be paid and applied towards the Expense of keeping and maintaining the said Crichton Royal Institution or the Southern Counties Asylum: Provided always, that if any Difference shall arise between the said Trustees and Directors and Parochial Boards, the same shall be decided by the Board.

Borrowing Money.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted:

Power to borrow Money on Security of Assessments.

LXI. It shall be lawful for any District Board, from Time to Time, to borrow on the Security of the Assessments to be made under this Act in and for such District, or any Part thereof, all or any of the Monies required in such District, or in any County or

Burgh within the same, for the Purposes of this Act; and such Money may be so borrowed at any Rate of Interest not exceeding Five Pounds per Centum per Annum; and every such Security may be by Assignation in Security in the Form contained in the Schedule (K. No. 1.) to this Act annexed, or to that or to the like Effect, and shall be duly executed if signed by Three or more Members of the District Board; and every such Deed of Security shall be effectual for securing to the Person advancing the Sum of Money in such Deed expressed to be advanced, and to his Heirs, Executors, and Assignees, the Repayment thereof, with Interest for the same after such Rate and at such Time and in such Manner as in such Deed of Security provided; and the said Deeds of Security shall be numbered in the Order of Succession in which they are granted; and a Copy of each such Deed of Security shall be transmitted to the Secretary appointed under this Act; and a Memorandum of each such Deed shall be entered by the Secretary in a Book to be called the Register of Securities, to be kept by him for that Purpose; and every such Deed of Security, and the Monies secured thereby, shall be deemed to be Personal Property, and may and shall pass as such Property passes by the Law of Scotland, and shall be validly transferred by simple Endorsation on such Deed of Security by the Party entitled thereto for the Time being of a Transfer in the Form of the Schedule (K. No. 2.) hereunto annexed; and the Parties in Right of such Deeds of Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security in an equal Degree one with another, and shall not have any Preference or Priority other than is provided in such Deeds of Security under the Powers of this Act.

Power to Public Works Loan Commissioners to lend Money for Purposes of this Act.

LXII. It shall be lawful for any District Board to make Application for any Advance of any Sum for the Purposes of this Act to the Commissioners acting in the Execution of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, and any Act or Acts amending or continuing the same, and the said Commissioners are hereby empowered, if they think fit, to make such Advance upon the Security of any such Assignation in Security as aforesaid.

Provision for Payment of the Interest on borrowed Monies and a Portion of the Principal in each Year.

LXIII. Every District Board by whom any such Assignation in Security as aforesaid shall be granted shall annually make Payment, out of the Monies coming to its Hands under this Act, of all Interest due for the Time on the Sums contained in any such Assignations in Security, and also of a further Sum to Account of the Principal Sums contained in such Assignations in Security, not less than One Thirtieth Part of the whole Sums contained in and due by the whole Assignations in Security granted by such

such District Board at the Time such Assignations in Security were made, until the whole Principal Sums for which such Assignations in Security shall have been granted, and the Interest thereof, shall be fully paid and discharged; and the said District Board shall, by Agreement with the Persons advancing any Money for the Purposes of this Act, determine the Order and Priority in which the several Sums advanced shall be respectively discharged; and every District Board so borrowing Money is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books, separate and apart from all other Accounts; and the District Board is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

Provision for Money borrowed being paid off within Thirty Years.

LXIV. Every District Board borrowing Money as aforesaid shall make Provision that the whole Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Board, not exceeding Thirty Years from the Time of borrowing the same.

Persons lending Money on Security of Assessments protected against Omissions to comply with Provisions of this Act.

LXV. No Person lending Money to any District Board, and taking an Assignation in Security for securing Repayment of the same, executed in manner directed or allowed by this Act, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Assignation in Security on the Ground that such Provisions have not been complied with.

Power to raise Money to pay off Sums already borrowed.

LXVI. In every Case where Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the District Board by which such Monies shall have been borrowed (with the Consent of the Parties to whom the same shall be owing) to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof, under the Powers of this Act, as if such Monies were borrowed under the Powers herein contained, but so, nevertheless, that all Monies borrowed shall be discharged within Thirty Years from the Time of first borrowing the same.

District Boards to furnish Annual Statements.

LXVII. Every District Board shall annually, and whenever required by the Board, transmit to them a full and detailed Report and Statement of all Sums falling to be paid by the District Board, whether for Principal or Interest, to the Holders of Assignations in Security granted by the District Board under this Act; and the Board shall, in each Year, in their Ascertainment of the Amount necessary to be raised within such District for the Purposes of this Act, take care to include and provide for the whole Sums so falling to be paid as aforesaid.

District Board to take charge of Asylum when finished.

LXVIII. Excepting in the Case of Public Asylums, with which Agreements shall have been made by the District Boards in Terms of this Act, when any District Asylum shall be ready for the Reception of Lunatics, and shall have been approved of and adopted by the Board as a District Asylum, the District Board is hereby required to assume the Charge of the District Asylum, and it shall be the Duty of such District Board to appoint any necessary Officers and Servants, and also a Clerk, if necessary, to the said District Board, whom, or any of them, they shall have Power to suspend or remove; and they shall also have Power to fix the Amount of the Salary or Remuneration to be paid to such Clerk, Officers, and Servants respectively; and the Management and Superintendence of such District Asylums, and the well-ordering and Discipline of the same, shall thereafter be under the Care of such District Board.

Notice of the District Asylum being ready for the Reception of Patients to be given.

LXIX. Upon the Completion and Approbation and Adoption of any District Asylum for Pauper Lunatics, the District Board shall forthwith cause Notice of the Day on which such District Asylum will be open for the Reception of Lunatics to be given once in the "Edinburgh Gazette;" and the Day on which the Asylum is to be opened as aforesaid shall be not less than One Week subsequent to the Publication of such Notice.

District Inspectors to be appointed, and their Duty.

LXX. It shall be lawful for the District Board, in each of the several Districts constituted by this Act, to appoint Medical Persons, One or more, as may from Time to Time be sanctioned by the Board, to be the Inspector or Inspectors of such District, and such Inspector or Inspectors shall hold their Offices respectively at the Discretion of the District Board, and shall be paid such Fees as the District Board, with the Sanction of the Board, may fix; and it shall be the Duty of such Inspectors to visit the Public, Private, and District Asylums and Houses in Terms of this Act, within their respective Districts, at all such Times as they shall be called upon so to do by the District Board, or the Board, or the

the Sheriff, and otherwise in Terms of this Act; and upon all such Visitations of Asylums they shall enter in a Book to be kept in each such Asylum, to be called the "Patients Book," the Condition of the Asylum, and the general State of the Health, mental and bodily, of the Lunatics kept therein, and also the Particulars of any Case requiring Remark: Provided always, that where, in any District, more than One District Inspector shall be appointed, it shall not be necessary that more than One of such Inspectors shall be a Medical Person.

Unqualified Medical Persons not to practise under this Act.

LXXI. It shall not be competent to any Person not qualified in Terms of this Act as a Medical Person to practise or to be employed or to grant any Certificate under the Provisions of this Act, nor shall it be competent to any Medical Person who shall have any pecuniary or patrimonial Interest or Concern with or in any Asylum or House in Terms of this Act, or any Copartnership or Participation of Profits with any Superintendent of any such Asylum or House, or whose Father, Brother, or Son shall be Superintendent of any such Asylum or House, to practise or to be employed or to grant any Certificate under the Provisions of this Act; and any Person who shall do in the contrary of this Enactment shall be guilty of an Offence, and be liable for each Offence, in a Penalty not exceeding Fifty Pounds, or to be imprisoned for any Period not exceeding Three Months: Provided always, that any Medical Person may practise, be employed, or grant Certificates under this Act in or with reference to any Asylum or House, not being an Asylum or House in or with which such Person, or his Father, Brother, or Son, is so interested or connected as aforesaid: Provided also, that nothing in this Enactment contained shall prevent the Medical Officer of a District Asylum from granting Certificates with reference to any Pauper Lunatics of the District to which such Asylum belongs.

Provision for Neglect in Execution of Act.

LXXII. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein or in the said Act of the Second and Third Years of the Reign of Her Majesty, so far as the same is made applicable to this Act, required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board to apply, by summary Petition, to the Court of Session, in either of the Divisions thereof, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and required to do therein as to such Court or Lord

Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Charge for Pauper Lunatics, and Application of the Monies to be received.

LXXIII. There shall be paid to the District Board, for each Pauper Lunatic sent to and detained in any District Asylum, such Sum per Week, and by such periodical Payments, as shall from Time to Time be fixed by the District Board, with the Approbation of the Board; and the Monies to be so paid shall be applied by the District Board of each District in defraying the Maintenance and Expenses of the Patients, the Salaries and Allowances of the Superintendent, Clerk, Officers, and Servants, and all other the necessary Expenses of such District Asylum; and if such Monies shall prove inadequate to defray such Maintenance and Expenses and Salaries, the District Board of such District shall, with the Approbation of the Board, make such additional Charge for each Pauper Lunatic kept in such District Asylum as may be necessary to make up any Deficiency which shall have arisen or may arise.

District Boards to keep Books.

LXXIV. The District Boards shall keep regular Books and Accounts, showing distinctly the Amount of the Monies received by them, and of the Outlay and Expenditure thereof, and shall also keep Minutes of the Proceedings of the District Boards in the Execution of this Act; and at all Meetings of the District Boards Three Members thereof shall form a Quorum, and shall be capable of acting in the Execution of the Matters intrusted to such District Boards by this Act; and the District Boards shall keep a distinct Account of all Assessments and other Monies levied or received under the Provisions of this Act, and of the Application and Disbursement of the same, in such Form and Manner as the Board shall direct; and a Copy of the Account so kept shall be transmitted half-yearly to the Board; and the District Boards shall also keep Minutes of their Proceedings in the Execution of this Act.

Pauper Lunatic to be held to belong to the Parish of his Settlement.

LXXV. Every Pauper Lunatic detained in any District Asylum under this Act shall be deemed and held to belong and be chargeable to the Parish of the legal Settlement of such Lunatic at the Time the Order for his Reception in such Asylum was granted, and the Expense of his Maintenance in such District Asylum shall be defrayed by such Parish accordingly; and the Residence of any Pauper Lunatic in any such District Asylum shall be deemed to be the Residence of such Lunatic in the Parish legally chargeable with the Maintenance of such Lunatic.

LXXVI. All

Parish of the Settlement to be liable in the Repayment of Expenses.

LXXVI. All the Expenses attending the taking and sending a Pauper Lunatic to any District Asylum in or from any Parish which is not the Parish of the Settlement of such Lunatic, including the Sum paid for the Order for Admission of such Lunatic, and the Maintenance of such Lunatic therein, shall be recoverable by the Party or Parish defraying such Expense from the Parish of the Settlement of such Lunatic; and it shall be competent for the Sheriff of the County in and from which such Lunatic was taken and sent to ascertain and fix the Amount of the same, and the Expense so fixed shall be recoverable by summary Process from the Parish of the Settlement of the Lunatic before the Sheriff of the County in which such Parish is situated.

Expense incurred for Lunatic, from whom to be recovered.

LXXVII. The Expense incurred by any Superintendent of any Asylum, or by any other Party, for or in relation to the Examination, Removal, and Maintenance of any Lunatic, shall be defrayed out of the Estate of such Lunatic, or if such Lunatic has no adequate Estate, and if such Expense shall not be borne by the Relations of such Lunatic, then the Lunatic shall be treated as a Pauper Lunatic, and such Expense shall be defrayed by the Parish of the Settlement, and the Superintendent or other Party disbursing such Expense shall be entitled to recover the same from or out of the Parties or Estate liable to defray the same as aforesaid.

Expenses to be paid in the first instance by the Parish in which Lunatic was committed.

LXXVIII. If the Parish of the Settlement of any such Pauper Lunatic cannot be ascertained, and if the Lunatic has no Means of defraying the Expense of his Maintenance, nor any Relations who can be made liable for the same, the Expenses attending the taking and sending such Lunatic, and of his Maintenance in the District Asylum, shall be defrayed by the Parish in and from which he was taken and sent, but with recourse, nevertheless, to such Parish, at any Time when it shall appear that such Expenses are legally chargeable to any other Party or Parish, against such Party or Parish, and who or which shall be liable also in Interest and Expenses; and the Sheriff of the County in which the Parish defraying such Expenses in the first instance is situated shall certify under his Hand the Amount of such Expenses; and such Certificate shall be final and conclusive as to such Amount, and shall not be subject to Review by any Process whatsoever under any Proceeding instituted for Recovery of the same; and the Party entitled to recover such Expenses shall proceed as accords of Law against the Party or the Parish liable for the same, by summary Process before the Sheriff of the County within which such Party resides, or in which such Parish is

Notice to Parish of Settlement.

situated, and the Judgment of such Sheriff shall be final: Provided always, that the Parish of Settlement shall not in any Case be liable in Repayment of the Expenses incurred in relation to any Lunatic as aforesaid, unless written Notice shall have been given by the Parish or Party disbursing the same to the Parochial Board of the Parish of Settlement, and shall then only be liable for the Expenses incurred subsequent to such Notice, and for the Year preceding.

Access to Pauper Lunatics by Parties interested in the Expense of their Maintenance, &c.

LXXIX. In any Investigation or Dispute regarding the Settlement of any Pauper Lunatic, the Inspector of the Poor of any Parish, and the Relations of the Lunatic, and other public Officers or Parties having an Interest in the Investigation, shall, on Warrant of the Sheriff, have free Access to the Lunatic, in the Presence of Inspector of the District, or other Medical Person appointed by the Board or the Sheriff, for the Purpose of seeing or examining the Lunatic touching the Matter in question.

Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

LXXX. Where it may appear to any District Board that any Asylum under its Charge is more than sufficient for the Accommodation of all the Pauper Lunatics of the District, or for whom Accommodation therein falls to be provided, it shall be lawful for such District Board, if they think fit, having obtained the Sanction thereto of the Board, to give Notice thereof by Advertisement in some Newspaper, One or more, commonly circulated in such District or Part thereof, and to permit the Admission of so many Pauper Lunatics of any other District, and (if such District Board and the Board think fit) Lunatics not Paupers, but who may be deemed proper Objects to be admitted into a Public Asylum, as to such District Board may seem expedient; and such District Board may at any Time rescind any such Resolution, and, with the Sanction of the Board, may vary the same; and such District Board may, if they think fit, require that no Pauper Lunatic shall be admitted into such Asylum under this Enactment without an Undertaking by the Parochial Board or Inspector of the Poor of the Parish to which such Lunatic is chargeable, or, in the Case of a Lunatic not a Pauper, by the Person signing the Application for the Admission of such Lunatic, for the due Payment of the weekly Charge for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, and of the Expenses of his Burial in case he die therein, as well as for the Removal of such Lunatic from such Asylum within Six Days after Notice given in Writing by the Superintendent of such Asylum; and

and such Lunatic, not being a Pauper, shall have the same Accommodation in all respects as the Pauper Lunatics.

Property of Lunatics,

And with respect to the Property of Lunatics, be it enacted:

Where Property of Lunatic not under judicial Management, and not properly applied for his Benefit, Application to be made to the Court.

LXXXI. Whenever the Board, or the Accountant of the Court of Session, shall have Reason to believe or suspect that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, by being placed under the Management of a Judicial Factor, and that the same, or the Income thereof, is not duly applied for his Maintenance, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself or by his Order, or otherwise, that such Proceeding is expedient and proper, to make Application to to the Court of Session in regard to any Person whom he believes to be detained or taken charge of as a Lunatic, setting forth that he is informed, or has Reason to believe or suspect, that the Property of such Person is not duly protected, or that the same, or the Income thereof, is not duly applied for his Maintenance, and praying the Court to cause the Matter to be investigated, and to appoint a Judicial Factor to such Lunatic, with a view to the proper Care and Protection of his Property, and to the Application of it, or the Income thereof, to his Maintenance and Support, or to do otherwise as may be just and expedient; and the Court, after such Intimation or Service, and such Investigation as they may deem fit, may appoint a Judicial Factor on the Property of such Lunatic, or may take any other Measures with a view to the Benefit of such Lunatic, and generally may do under such Application as to them shall seem proper.

Where Property of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.

LXXXII. Where in the Case of any Lunatic whose Property shall, by reason of his being a Lunatic, have been placed under the Management of a Judicial Factor, the Board, or the Accountant of the Court of Session, shall be informed or have Reason to believe or suspect that such Property, or the Income thereof, is not applied to the due Maintenance of such Lunatic, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any such Lunatic as aforesaid, setting forth that he is informed or has Reason to believe or suspect that the Property of such Lunatic, or the Income thereof,

is not duly applied for the Maintenance of such Lunatic, and praying the Court to cause the Matter to be investigated, and to take such Measures, with a view to the Benefit of such Lunatic, and the securing the Application of the Property or Income of such Lunatic to his due Maintenance and Support, as may be proper; and it shall be lawful for the Court to make such Orders and take such Proceedings under such Application as it may deem proper and expedient: Provided always, that nothing in this Act contained shall derogate from any Powers already possessed by the Accountant of the Court of Session, or be construed to prevent such Accountant from himself making any Investigation or taking any Proceedings which may at present be competent at his Instance.

Expenses incurred as to Property of Lunatics to be defrayed from such Property.

LXXXIII. The Expenses attending such Inquiries and Applications as aforesaid in reference to the Property of Lunatics shall be chargeable against the Property of the Lunatics to whom they respectively relate, and may be decerned for by the Court of Session, under any such Application as aforesaid, or be otherwise recovered in due Course of Law.

Accountant of Court of Session to see that Caution for judicial Factors to Lunatics is sufficient.

LXXXIV. In any Case in which, after the passing of this Act, Judicial Caution falls to be taken for any Judicial Factor of a Lunatic, such Caution shall not be received as sufficient until the Accountant of the Court of Session shall approve thereof by a Marking to that Effect on the Bond of Caution; and where, with reference to any Judicial Caution received prior to the passing of this Act for any such Judicial Factor, such Accountant shall have Reason to believe or suspect that the Caution found is or has become insufficient, it shall be lawful for, and the Duty of, such Accountant to inquire into the Matter, and, if he shall think proper, to call upon such Judicial Factor to find other or additional and satisfactory Caution, and failing such Caution being found, to bring the Matter under the Notice of the Court of Session, in the Division thereof by which such Judicial Factor was appointed, with a view to the Court making such Order on the Subject as to it may seem fit.

Dangerous and Criminal Lunatics.

And with respect to Dangerous and Criminal Lunatics, be it enacted:

Sheriff may commit Dangerous Lunatics.

LXXXV. Where any Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic, being in a State threatening Danger to the Lieges, shall be found at large, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, or Inspector of the Poor, or other Person, accompanied by a Certificate from any Medical Person bearing that

that the Lunatic is in a State threatening such Danger, forthwith to commit such Lunatic to some Place of safe Custody, and the Sheriff shall thereupon direct Notice to be given in some Newspaper circulated within the County of such Commitment, and such farther Notice as he shall think fit, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named; and the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and threatening to be dangerous, he shall commit the Lunatic to any Public, Private, or District Asylum; and in case there shall be no such Asylum within the Jurisdiction of the Sheriff, he shall commit such Lunatic to some such Asylum of an adjoining County; and an Order, such as is herein-before prescribed, shall be granted by the Sheriff in respect of every such Commitment; and the Person or the Parish liable in the Maintenance of such Lunatic shall be liable for the Expense of apprehending and of keeping and maintaining such Lunatic in such Asylum; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security.

Power to Sheriff to transmit Lunatic to another County.

LXXXVI. If any Pauper Lunatic in respect of whom Application shall be made to the Sheriff of any County as aforesaid shall have his known Settlement in another County, then it shall be lawful for the Sheriff either to follow out the Provisions of this Act in regard to such Lunatic, or at once to transmit along with the said Application such Lunatic in safe Custody to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Provision for Cases where Insanity stands in bar of Trial.

LXXXVII. Where any Person charged under any Indictment or Criminal Libel with the Commission of any Crime shall be found insane, so that such Person cannot be tried upon such Indictment, or if upon the Trial of any Person so indicted such Person shall appear to the Jury charged with such Indictment or Criminal Libel to be insane, the Court before whom such Person shall be brought to be tried as aforesaid shall direct a Finding to that Effect to be recorded, and thereupon such Court shall order such Person to be kept in strict Custody until Her Majesty's Pleasure shall be known; and it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person so found insane, during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Lunatic acquitted of a Criminal Charge on the Ground of Insanity.

LXXXVIII. In all Cases where it shall be given in Evidence upon the Trial of any Person charged under any Indictment or Criminal Libel with committing any Crime or Offence that such Person was insane at the Time of committing such Crime or Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the committing such Crime or Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall so find and declare, the Court before whom such Trial shall be had shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until Her Majesty's Pleasure shall be known; and it shall thereupon be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.

LXXXIX. If any Person, while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, Penal Servitude, or Imprisonment, or under Charge of any Crime or Offence, or under any Civil Process, shall appear to be insane, it shall be lawful for the Sheriff of the County where such Person is imprisoned to inquire, with the Aid of Two Medical Persons, as to the Insanity of such Prisoner; and if it shall be certified by such Sheriff and such Medical Persons that such Prisoner is insane, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Receipt of such Certificate, to direct, by Warrant under His Hand, that such Person shall be removed to such Asylum as the said Secretary of State may judge proper and appoint; and every Prisoner so removed under this Act, and every Person removed previous to the Date of this Act, from Prison to an Asylum, by reason of his Insanity, shall remain in Confinement in such Asylum until it shall be duly certified to One of Her Majesty's Principal Secretaries of State, by Two Medical Persons, that such Person has become of sound Mind, whereupon the said Secretary of State is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his Warrant to the Superintendent of such Asylum, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken, or, if the Period of Imprisonment of such Person shall have expired, that he shall be discharged.

Provision for Detention of Lunatics in remote Places.

XC. And whereas it may be difficult in remote Parts of the Country to obtain the Order of the Sheriff and Medical Certificates necessary for the Reception and Detention of Lunatics under this Act, in respect of Persons alleged to be dangerous Lunatics, or Persons in

pauper

pauper or reduced Circumstances alleged to be Lunatics: It shall in such remote Places be lawful for any Justice of the Peace of the County in which such alleged Lunatic may be, upon being satisfied by sworn Information of the Minister or any Elder of the Parish, or other Person of Respectability, that such alleged Lunatic is a Lunatic or a dangerous Lunatic, to grant Warrant for his Detention and Transmission in safe Custody to the nearest Town in which a Sheriff or Sheriff Substitute shall reside; and the Person in whose Custody the Lunatic is so detained and transmitted shall forthwith take all necessary and proper Steps to obtain the requisite Medical Certificates and Order of the Sheriff by this Act required; and such Case shall thereafter be dealt with as a Case in which the Lunatic had been transmitted under an Order in Terms of this Act.

Lunatics may be removed from one Asylum to another.

XCI. If the Procurator Fiscal or any of the Commissioners shall make Application to the Sheriff for the Removal of any Lunatic from any Asylum or House in Terms of this Act, accompanied by a Certificate of Two Medical Persons to the Effect that such Asylum or House is unsuitable for the Confinement of such Lunatic, it shall be lawful for the Sheriff thereupon to grant an Order for the Removal of such Lunatic from such Asylum or House to some other Asylum or House, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party by whom or at whose Instance such Lunatic was confined, or if such Party be dead or cannot be found, to his nearest known Relative; and the Expenses attending such Application for Removal, and attending the Keeping and Maintenance of such Lunatic in the Asylum to which he shall be so removed, shall be defrayed by the Party or Parish liable for the Expense of the Keeping and Maintenance of such Lunatic in the Asylum or House from which he shall be so removed.

Liberation of Lunatic by Relation or others.

XCII. It shall be lawful for any Person, having procured and produced the Certificate of Two Medical Persons, approved by the Sheriff, of the Recovery of any Lunatic, or bearing that such Lunatic may, without Risk of Injury to the Public or to the Lunatic, be set at large, and also an Order from the Sheriff for the Liberation of the Lunatic, to require the Superintendent of the Asylum in which such Lunatic is to liberate such Lunatic, and such Lunatic shall be liberated accordingly; and it shall in like Manner be lawful for the Board, upon being satisfied by the Certificate of Two Medical Persons whom they may think fit to consult, or of the Inspector General, of the Recovery or Sanity of any Person confined as a Lunatic, to order the Liberation of such Person; and, previous to the Liberation of any such Person by Order of the Board or the Sheriff, Eight Days Notice in Writing

shall be given of such intended Liberation to the Person at whose Instance such Lunatic was detained, or, in the Absence of such Person, to the near Relatives of such Lunatic, and, in the Case of a Pauper Lunatic, to the Party or Parish by whom the Expense of the Maintenance of the Pauper Lunatic was defrayed; and in all Cases of Removal or Liberation of any Lunatic the Superintendent of the Asylum shall enter or cause to be entered in the Register to be kept by such Superintendent the Particulars of the Removal or Liberation of such Lunatic, and the Date thereof, and the Authority on which such Removal or Liberation took place; and when any Lunatic has been discharged from any Asylum as incurable, the Fact of such Discharge shall thereupon be entered in the Register of the Asylum, with a Specification of the Place to which, and Person to whose Care, such Lunatic has been sent; and Copies of all such Entries shall, within Two clear Days of the same being made, be transmitted by the Superintendent to the Board.

Exception of Lunatics detained by Courts of Law.

XCIII. Provided always, That no such Removal or Liberation shall be competent or take place in regard to any Lunatic detained under the Sentence of any Court of Justice, without the Authority of such Court, or the Warrant of One of Her Majesty's Principal Secretaries of State: Provided further, that if, by the Expiration of the Period of Confinement awarded by the Sentence of any Court of Law, any Lunatic would be entitled to be set at large, and such Lunatic be then uncured, it shall be lawful, upon Certificate to that Effect by Two Medical Persons, and upon an Order granted by the Sheriff, to detain such Lunatic in the Asylum in which such Lunatic then is, or to remove him to some other Asylum, as may be proper.

Patient released to have Copy of Order, and Certificates, &c. on which he was confined.

XCIV. In the event of the Release from Confinement in any Asylum or House of any Person who shall consider himself to have been unjustly confined, a Copy of the Order, Petition, Statement of Particulars, and Certificates upon which he has been confined, shall, at his Request, be furnished to him or his Agent by the Clerk to the Board, without any Fee or Reward for the same.

Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.

XCV. Every Pauper Lunatic to be detained under the Powers of this Act shall be sent to an Asylum for the District in which the Parish of the Settlement of such Pauper Lunatic is situated: Provided always, that, under special Circumstances, it shall be lawful for the Parochial Board, with Consent of the Board, to dispense with the Removal of any Pauper Lunatic to such Asylum, and to provide for him in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board; and provided further, that the Provisions of this Act as to the requisite

requisite Licence and Order, and Returns or Reports to the Board shall be duly complied with.

Register of Lunatics to be kept in Asylums.

XCVI. In every Public, Private, and District Asylum there shall be regularly kept a Book, to be entitled "Register of Lunatics," in which shall be distinctly set forth all the Particulars relating to every Lunatic who shall be received or detained in such Asylum in the Manner and Form set forth in the Schedule (I.) hereunto annexed; and a Copy of such Register shall be trasmitted to the Board at such Times as they shall direct; and any Superintendent of any such Asylum who shall fail or neglect to keep such Book, or to transmit such Copy as shall be so directed, shall be liable in a Penalty not exceeding Twenty Pounds for every such Offence.

Registration and Notice of Death of Lunatics.

XCVII. In case of the Death of any Lunatic in any Public, Private, or District Asylum, or House, in Terms of this Act, a Statement setting forth the Time and Cause of the Death, and the Duration of the Disease of which the Lunatic died, shall be prepared and signed by the Medical Person who attended the Lunatic during the Illness which terminated in Death, or who attended at the Time of such Death; and in every Public, Private, or District Asylum such Statement shall be entered in a Register to be kept in such Asylum in the Terms set forth in the Schedule (J.) hereunto annexed; and a Copy of such Statement, certified by the Superintendent of such Asylum or House, shall within Three Days of the Date of the Death be transmitted to the Board, and also to the Party or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed, and to the Person on whose Application the Lunatic was confined; and every such Medical Person or Superintendent who shall fail in the Duties prescribed to them as aforesaid shall be guilty of an Offence, and for for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

General Register to be kept.

XCVIII. The Board, on receiving such Copies of such Register Books and Entries, shall, after making such Examination thereof as they may deem proper, cause the same to be preserved in the Office of the Board; and from the Reports and Returns and Copies of Registers, and other Documents transmitted to the Board, shall cause to be prepared and completed, from Time to Time, as they shall direct, a General Register of all the Lunatics who shall be kept or taken care of under the Provisions of this Act, and such Register shall exhibit the Asylum or House under this Act into which each Lunatic is received, and the Time of his Reception, and

also the respective Dates of the Removal, and the Place to which and the Person to whose Care the Lunatic is removed, and also the Date of the Liberation or Death of each Lunatic; and the Board may, at their Discretion, give Information to any Party inquiring into any of the Facts set forth in such Register, or may refuse such Information; and no Inspection of the Contents of such Register, or of any such Copies of Register Books or Entries, shall take place without their written Authority; and any Person making or permitting to be made any Inspection of the Contents of such Register, Register Books, or Entries, without such written Authority, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

Punishment for maltreating any Lunatic.

XCIX. If any Superintendent, Inspector, Officer, or Servant, or other Person employed in any Public, Private, or District Asylum, or House in Terms of this Act, or otherwise having the Care of any Person detained as a Lunatic Patient under this Act, shall wilfully maltreat, abuse, or neglect any Person so detained, to the Injury of such Person, or if any Person detaining or taking or having the Care or Charge, or concerned or taking part in the Custody, Care, or Treament of any Lunatic or Person alleged to be a Lunatic, in any way abuse, illtreat, or wilfully neglect such Lunatic or alleged Lunatic, such Superintendent, Inspector, Officer, Servant, or other Person shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Six Months, without Prejudice to any Action for Damages, at the Instance of the Party aggrieved, or of the Person on whose Application he was detained acting on his Behalf, or of any other Person having Interest, in any competent Court of Law: Provided always, that where any such Maltreatment or Abuse shall amount to an Assault, the Party committing such Offence may be prosecuted, at the Discretion of the Public Prosecutor, either for such Assault or for the Offence under this Act.

Power to the Lord Advocate to inspect Books of Commissioner.

C. It shall be lawful for the Lord Advocate of Scotland for the Time being at all Times to examine and inspect all the Books, Registers, Minutes, Proceedings, Reports, Returns, Accounts, and Documents of every Description kept by and in possession of the Board, who shall afford all such Information regarding every Particular under their Charge, and the Execution of the Duties therewith connected, as the Lord Advocate shall at any Time require.

CI. Any

CI. Any Person who shall wilfully make any false Statement or Return or Report, or who shall wilfully make any false Representation upon any Plan or Writing to be used under this Act, or who shall refuse to give any Information which by this Act is required of him, or who shall conceal or refuse to divulge any Matter or Thing as to which Inquiry shall be made of him under this Act, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Twelve Months.

Penalty on false Statements, or Refusal to comply with Act.

CII. The Board shall annually, on or before the First Day of February in each Year, report to One of Her Majesty's Principal Secretaries of State regarding the Condition and Management of all Public, Private, and District Asylums, and Houses in which any Lunatic is kept or detained under an Order of the Sheriff, in Terms of this Act.

Board annually to report to Secretary of State.

CIII. Orkney and Shetland, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of this Act.

Orkney and Shetland separate Counties.

CIV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, at any Time, by Order in Writing under his Hand, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine any Person detained or taken charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, and to make a Report to such Secretary of State of such Matters as in such Order shall be directed to be inquired into; and all and every Person or Persons having the Care, Custody, or Charge of any Person to whom such Order in Writing applies shall give every Facility for the due Execution of such Order.

Provision for the Visitation of Lunatics under Order from Secretary of State.

CV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to employ the Board or any Person to inspect and inquire into the State of any Asylum, House, or Place wherein any Lunatic, or Person represented to be a Lunatic, shall be confined, or alleged to be confined, and to report to him the Result of such Inspection and Inquiry; and every such Person so employed, other than the Board, may be paid such Sum of Money for his Attendance and Trouble as such Secretary of State shall deem reasonable; and every such Person so employed, whether the Board or not, shall be allowed his reasonable travelling and other Expenses while so employed; and such Sum of Money for Attendance and Trouble, and such Expenses, shall be charged

Power to Secretary of State to order a special Visitation of any Place where a Lunatic is represented to be confined.

on and shall be paid out of any Monies to be voted for that Purpose by Parliament.

Penalties, how to be recovered.

CVI. All the Penalties and Forfeitures by this Act imposed may be sued for in the Name of the Secretary or of the Procurator Fiscal of the County in which the Offence shall have been committed or in which the Offender may be found, and may be recovered by summary Proceeding in the Name of such Secretary or Procurator Fiscal, or of any Agent appointed by the Board, upon Complaint in Writing to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint the Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party by delivering to him in Person, or by leaving at his usual Place of Abode, a Copy of such Order, and of the Complaint whereupon the same has proceeded; and upon the Appearance, or upon the Default to appear, of the Party, it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon such Proof of the Offence as shall satisfy the Sheriff, and without any written Pleadings or Record, the Sheriff shall convict the Offender, and upon such Conviction shall decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expenses as the Sheriff shall think fit, and shall grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, which Period shall in no Case exceed Six Months, unless herein otherwise specially provided.

Application of Penalties.

CVII. The Amount of the Penalties or Forfeitures to be so awarded and recovered in respect of any Public or Private Asylum shall be paid and applied towards the general Expenses of the Board; and the Penalties or Forfeitures to be awarded in respect of any District Asylum shall be paid to the District Board of the District in which the Offence shall have been committed, as the Case may be, to be by such District Board applied in Payment of the Expenses of the District Asylum under their Charge as aforesaid; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission or Discovery of the Offence for which it was incurred.

CVIII. No

Informalities.

CVIII. No Proceeding for the Recovery of Penalties or Forfeitures under this Act shall be set aside for Want of Form, nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise, or be in any Manner subject to Review.

Powers granted to Sheriffs to be without Prejudice to their Power at Law.

CIX. The Powers and Authorities granted by this Act to Sheriffs shall be in addition and without Prejudice to the Powers and Authorities otherwise competent to Sheriffs by Law, all which Powers and Authorities, as well as the Powers hereby granted, may be exercised by them in aid and in the Execution of this Act.

Clause D.
Any County may constitute itself into a District under this Act.

CX. If the Prison Board of any County shall so resolve, at a Meeting to be held within Six Months after the passing of this Act, called by public Advertisement for the special Purpose of considering the Propriety of passing such Resolution, such County shall be severed from the District of which by this Act it forms Part, and be a separate District in itself; and such Resolution shall be communicated to the Board, and shall be published in the Edinburgh Gazette and North British Advertiser Newspaper by the Clerk of such Prison Board within Twenty-one Days after the passing thereof, and on being so communicated and published shall receive Effect; and such County shall then be and become a District under this Act, in the same Way and Manner as if it had been herein specially constituted such District, and the Remainder of the District from which it is so severed shall thenceforward be and become a District under this Act, in the same Way as if such County had never been joined with it.

Clause E.
Provisions of this Act may be enforced summarily.

CXI. It shall be competent to the Board, during the Period of Five Years from and after the First Day of January One thousand eight hundred and fifty-eight, and to the Inspectors General in Lunacy under this Act, or either of them, after the Expiration of such Period, to enforce the Provisions of this Act or any of them, by summary Application to the Court of Session, or to any Sheriff Court having Jurisdiction over the Respondent in such Application, and it shall not be necessary to proceed by way of ordinary Action.

Clause F.
Inspectors of Poor to give intimation of Pauper Lunatics within their Parishes.

CXII. Every Inspector of the Poor shall, within Seven Days after he shall have become aware of any Pauper Lunatic being within the Parish of which he is Inspector, notify the same to the Chairman of the Parochial Board, and he shall also within the same Period intimate to the Board of Commissioners in Lunacy under this Act the Name and Residence of such Pauper Lunatic, and all the Circumstances he may have ascertained regarding his State and Condition, together with the Steps that may have been taken in reference to the

Care and Custody of such Pauper Lunatic; and if any such Inspector shall fail within the said Period to make such Notification and Intimation, or either of them, he shall be liable in a Penalty of Ten Pounds.

CLAUSE G. Not to apply to Orkney and Shetland.

CXIII. The assessing Clauses of this Act shall not extend to the County of Orkney and Shetland.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of SUMMONS by the COMMISSIONERS.

IN the Matter of A.B., a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind].

I, one of the Board of the Commissioners in Lunacy for Scotland, in pursuance of the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*], do hereby grant Warrant to Messengers-at-Arms and Sheriff Officers conjunctly and severally to summon, warn, and charge and each of them, personally or at their respective Dwelling Places, in common Form, to appear before me at [*insert Place*], on the Day of 18 at o'Clock noon, and then and there to testify and bear witness, so far as they and each of them know and shall be asked, concerning the aforesaid Matter, under the Penalties specified in the said Act.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

C.D., Commissioner.

SCHEDULE (B.)

FORM OF LICENCE by the COMMISSIONERS.

I, one of the Board of the Commissioners in Lunacy for Scotland, do hereby certify, That E.F. of in the Parish of and County of has delivered to me a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics situated at in the County of in which it is proposed to receive Patients not exceeding in Number [*or, in the Case of a renewed Licence,* has delivered to me a List of the Number of Patients now detained in a House and Premises situated at in the County of in which there are at present Patients], and the Board having considered and approved of the same do hereby authorize and empower the said E.F. [he intending *or* not intending to reside therein] to use and employ the said House and Premises for the Reception of

Male [*or* Female *or* Male and Female] Lunatics, whereof are Paupers, for the Space of Calendar Months from this Date.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

C.D., Commissioner.

SCHEDULE (C.)

FORM of STATEMENT to be lodged with a PETITION to the SHERIFF for the RECEPTION of a LUNATIC.

1. Christian Name and Surname of Patient at Length.
2. Sex and Age.
3. Married, single, or widowed.
4. Condition of Life, and previous Occupation (if any).
5. Religious Persuasion so far as known.
6. Previous Place of Abode.
7. Place where found and examined.
8. Length of Time insane.
9. Whether first Attack.
10. Age (if known) on first Attack.
11. When and where previously under Examination, and Treatment.
12. Duration of existing Attack.
13. Supposed Cause.
14. Whether subject to Epilepsy.
15. Whether suicidal.
16. Whether dangerous to others.
17. Parish or Union to which the Lunatic [*if a Pauper,*] is chargeable.
18. Christian Name and Surname and Place of Abode of nearest known Relative of the Patient, and Degree of Relationship (if known), and whether any Member of his Family known to be or to have been Insane.
19. Special Circumstances (if any) preventing the Insertion of any of the above Particulars.

I certify, That to the best of my Knowledge the above Particulars are correctly stated.

Dated this Day of One thousand eight hundred and

[*To be signed by the Party applying.*]

SCHE-

SCHEDULE (D.)

Form of Medical Certificate.

I, the undersigned, [*set forth the Qualification entitling the Person certifying to grant the Certificate, e.g.*, being a Member of the Royal College of Physicians in Edinburgh,] and being in actual Practice as a [Physician, Surgeon, *or otherwise, as the Case may be*], do hereby certify on Soul and Conscience, That I have this Day at [*insert the Street and Number of the House (if any) or other like Particulars,*] in the County of , separately from any other Medical Practitioner visited and personally examined A.B. [*insert Designation and Residence, and if a Pauper state so*], and that the said A.B. is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be detained under Care and Treatment, and that I have formed this Opinion upon the following Grounds, viz.:—

1. Facts indicating Insanity observed by myself [*state the Facts*].
2. Other Facts (*if any*) indicating Insanity communicated to me by others [*state the Information, and from whom*].

(Signed) [*Name and Medical Designation and Place of Abode.*]

Dated this Day of One thousand eight hundred and

SCHEDULE (E.)

Form of Order to be granted by the Sheriff for the Reception of a Lunatic.

I, G.H., Sheriff [*or* Sheriff Substitute, *or* Steward, *or* Steward Substitute] of the County [*or* Stewartry] of having had produced to me, with a Petition at the Instance of I.K. [*Name and Designation*], Certificates under the Hands of and being Two Medical Persons duly qualified in Terms of an Act [*specify this Act*], setting forth that they had separately visited and examined A.B. [*describe him, and if a Pauper state so*], and that the said A.B. is a Lunatic, [*or* an Insane Person, *or* an Idiot, *or* a Person of unsound Mind,] and a proper Person to be detained and taken care of, do hereby authorize you to receive the said A.B. as a Patient into the Public [*or* Private] Asylum of and I authorize his Transmission to the said Asylum accordingly, and I transmit to you herewith the said Medical Certi-

Certificates, and a Statement regarding the said A.B. which accompanied the said Petition.

Dated this Day of 18 .

(Signed) G.H.

To the Superintendent of the Public Asylum [*or* Private Asylum] of } [*Designation.*]

SCHEDULE (F.)

NOTICE OF ADMISSION.

I HEREBY give Notice, That A. B. [*describe him*] was received into this House as a Private [*or* Pauper] Patient, on the Day of , and I hereby transmit a Copy of the Order and Medical Certificates and Statement on which he was received.

Subjoined is a Report with respect to the mental and bodily Condition of the above-named Patient.

(Signed) E.F., Superintendent.

Dated at this Day of One thousand eight hundred and .

REPORT.

I have this Day seen and personally examined A.B., the Patient named in the above Notice, and hereby report and certify, with respect to his mental State, that [*insert Particulars*], and with respect to his bodily Health and Condition, that [*insert Particulars*].

(Signed) L. M., Physician [*or* Surgeon].

Dated this Day of One thousand eight hundred and .

SCHEDULE (G.)

I, L.M., a Medical Person duly qualified in Terms of the Act [*specify this Act*], certify, on Soul and Conscience, That C.D. [*name and design the Patient*] is afflicted [*state the Nature of the Disease*], but that the Malady is not confirmed, and that I consider it expedient, with a view to his Recovery, that he should be placed [*specify the House in which the Patient is to be kept,*] for a temporary Residence of [*specify a Time, not exceeding Six Months*].

SCHE-

SCHEDULE (I.)

REGISTER OF LUNATICS.

Number in order of Admission.	Date of Admission.	Christian and Surname at full Length.	Sex and Class.				Age.	Condition as to Marriage.			Condition of Life and previous Occupation.	Previous Place of Abode.	County or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epilepties.	Congenital Idiots.	Duration of existing Attacks.			Number of previous Attacks.	Age on first Attack.	Date of Discharge, Removal, or Death.	Discharged.			Died.	Observations.	Date of last previous Admission (if any).
			Private.		Pauper.			Married.	Single.	Widowed.												Years.	Months.	Weeks.				Recovered.	Relieved.	Not improved.		
			M.	F.	M.	F.																										
1	1850. January 3	William Johnson	–	–	1	–	23	–	1	–	Carpenter	–	–	–	–	–	–	Melancholia	–	–	–	–	4	–	–	17	1850. Sept. 1	1	–	–	–	–
2																																
3																																
4	1852. June 9	William Johnson	–	–	1	–	25	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	–	3	1852. Dec. 2	–	–	–	1	–
5																																
6																																
7	1856. May 6	William Johnson	–	–	1	–	29	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	4	1857. June 8	–	–	1	–	–
8																																

SCHEDULE (J.)

REGISTER OF DEATHS.

Date of Death.	Date of last Admission.	Duration of Disease.	Christian and Surname at full Length.	Sex and Class.				Assigned Cause of Death.	Age at Death.		Observations.
				Private.		Pauper.					
				M.	F.	M.	F.		M.	F.	
1850 : September 1	1850 : January 2	—	William Johnson -	-	-	1	-	- -	23		
1851 : December 2	1852 : June 9	—	John Brown -	1	-	-	-	- -	25		
1856 : June 8	1855 : May 6	—	William Smith -	-	-	1	-	Phthisis	27		

SCHEDULE (K.)

No. 1.

FORM of ASSIGNATION in SECURITY to be granted for MONIES BORROWED on the SECURITY of ASSESSMENTS.

Assignation in Security No. [*insert Number*].

WE Members of the District Board under the Act [*specify this Act*], in pursuance of the Powers of the said Act, do hereby, in consideration of the Sum of [*specify Sum advanced*], assign to [*name and design Creditor*], and his Heirs, Executors, and Assignees, [*or as the Case may be*], all the Assessments to be raised and paid within the said District under the said Act, in Security of the Repayment of the said Sum of and of the Interest thereof after the Rate of Pounds per Centum per Annum from the Day of until Payment, which Sum is to be repayable, with the Interest at the Rate foresaid, as follows: [*state the Terms of Repayment according to the Arrangement*]. And we consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

No. 2.

No. 2.

FORM of TRANSFER of ASSIGNATION in SECURITY.

I [*Name and Designation*], transfer to [*Name and Designation*] and his Heirs, Executors, and Assignees, an Assignation in Security, numbered [*insert the Number of the Assignation*], and dated [*insert Date*], granted by the District Board of the District to [*Name and Designation*], for [*insert the Sum*], and the Interest thereof from the Day of . And I consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

Lunatics (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

For the Regulation of the Care and Trea of Lunatics, and for the Provision, M nance, and Regulation of Lunatic Asylu Scotland.

(Prepared and brought in by The Lord Advocate and Sir George Grey.)

Ordered, by The House of Commons, *to be Prin*
17 *July* 1857.

[Bill 134.]

Under 7 oz.

Malicious Injuries to Property Bill.

REPORT.

This Bill has been framed principally with reference to the 7 & 8 Geo. 4. c. 30., which consolidated the Law relating to Malicious Injuries to Property, and it incorporates the different Provisions relating to such Injuries which have been passed since that Statute.

The Bill consolidates the following Acts and Parts of Acts:—

12 Geo. 3. c. 24. s. 1.	8 & 9 Vict. c. 44. s. 1.
7 & 8 Geo. 4. c. 30.	9 & 10 Vict. c. 25.
7 Will. 4. & 1 Vict. c. 89.	14 & 15 Vict. c. 19. ss. 6. 8.
3 & 4 Vict. c. 97. s. 15.	17 & 18 Vict. c. 33. s. 6.
7 & 8 Vict. c. 62.	

The following Amendments have been introduced to remedy obvious Defects:—

At present there are many Buildings, as well Public as Private, which would not fall within the Description of any of the Buildings mentioned in any of the Acts, and consequently a Person setting fire to them would be liable to no Punishment, although the Offence would be of the same Character, and in numerous Instances of as aggravated a Nature, as those now highly penal. Section 8, therefore, has been introduced to apply to Public Buildings, and Section 9 to include all other Buildings not previously provided for, awarding, however, a lower Punishment in the latter Case.

The 7 & 8 Geo. 4. c. 30. s. 13. only applies to Bridges over Rivers; it has been extended to other Bridges and Viaducts, in order to protect the numerous Erections on Railway Lines, the Injury to which might be attended with much greater Danger to Life than in case of an Injury to a common Bridge over a River.

An Inconsistency runs through the existing Enactments; many of them make the Offence to consist simply in "unlawfully and maliciously" doing certain Acts, others require in addition that the Acts should be done "with Intent to injure or defraud another Person." In the latter Class are Sections 2., 4., 5., and 46.

Another Inconsistency is, that the Offence may be committed in some Cases where the Offender is in possession of the Thing burned, as in Sections 2. and 4.; in others it is at least questionable whether a Person in possesion can be guilty, an Instance of which is the Case where a Tenant cuts down Trees belonging to his Landlord.

A Third Inconsistency is, that a Part Owner may in some Cases, as in Section 46, be guilty; in others not.

A Case occurred at the last Liverpool Assizes, where a Part Owner had destroyed a large Amount of Property in the Progress of Manufacture, and his Acquittal on the Ground that he was a Part Owner called forth much Observation on the defective State of the Law.

It should seem that the proper Remedies for these Inconsistencies would be—

1. Where the Property injured was not in the Possession of the Offender, and he had no Interest in it, to make the Offence simply to consist in the "unlawful and malicious" doing of the Injury.
2. Where the Property injured was in the Possession of the Offender, to require an Intent to injure and defraud some other Person.
3. To make a Joint Owner, or the Wife of an Owner, liable if there were an Intent to defraud the other Owner or the Husband, or any other Person.

To have effected this in the best Manner, sundry of the Sections must have been altered, and it has therefore been thought better to insert Two Sections (56. and 57.) at the latter Part of the Bill, which will bring Persons in possession and Part Owners within the Act,—especially as by this Means the present State of the Law is shown in the previous Part of the Bill, and the Alterations suggested appear in the Two Sections above referred to.

A Clause has been framed to remove a Doubt on the 24th Section of the 7 & 8 Geo. 4. c. 30.: in One Case the Court of Queen's Bench declared that that Section applied to Trees under the Value of One Shilling each; in another Case, without adverting to the previous Case, the same Court declared it did not so apply, and consequently Justices of the Peace are now in a Difficulty as to the Power to convict in such Cases. The former Opinion seems the better, and there certainly ought to be some summary Remedy in such Cases; otherwise a malicious Individual may, by destroying One Tree at a Time

Time of less than the Value of a Shilling, escape any Punishment, and yet ultimately destroy a whole Plantation.

A few Words have been added in Section 11. to make it correspond with Section 4.; and it has been extended to Engines for ventilating Mines.

Some Words have been introduced in Section 15. to prevent a Question formerly raised on that Section.

Sections 33. and 34. have been extended to Reservoirs, Pools, &c. As the Clause at present stands, if a Man were to cut through a Reservoir Head, and cause a Calamity like that at Holmfirth, he would be liable to no penal Consequences, unless indeed some Person were drowned.

It has been thought advisable to extend Sections 52. 53. and 54. to all Offences against the Act. The 9 & 10 Vict. c. 25., from which those Sections are taken, extends only to Offences committed by explosive Substances.

Malicious Injuries to Property Bill.

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A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of England relating to malicious Injuries to Property.

[Note.—*The Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to consolidate and amend the Statute Law of England relating to malicious Injuries to Property: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

As to malicious Injuries to Houses and other Buildings:

I. Whosoever shall unlawfully and maliciously set fire to any Church or Chapel, or to any Chapel for the Religious Worship of Persons dissenting from the United Church of England and Ireland, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping. Setting fire to a Church or Chapel. 7 W. 4. and 1 Vict. c. 89. ss. 3. 12. 9 & 10 Vict. c. 24. s. 1. 9 & 10 Vict. c. 25. s. 9.

II. Whosoever shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Setting fire to a House, Outhouse,

Manufactory, &c. 7 W. 4. & 1 Vict. c. 89. s. 3.

Shop, Mill, Malthouse, Hop-oast, Barn, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Setting fire to a Dwelling House any Person being therein. 7 W. 4. & 1 Vict. c. 89. s. 2.

III. Whosoever shall unlawfully and maliciously set fire to any Dwelling House, any Person being therein, shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon.

Setting fire to Farm Buildings. 7 & 8 Vict. c. 62. ss. 1. 3.

IV. Whosoever shall unlawfully and maliciously set fire to any Hovel, Shed, or Fold, or to any Farm Building, or any Building or Erection used in farming Land, whether the same or any of them respectively shall then be in the Possession of the Offender or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Setting fire to Hay, Straw, &c. in a Farm Building with Intent to set fire to the Building. 7 & 8 Vict. c. 62. ss. 2, 3.

V. Whosoever shall unlawfully and maliciously set fire to any Hay, Straw, Wood, or other vegetable Produce, being in any Farmhouse or Farm Building, or to any Implement of Husbandry being in any Farmhouse or Farm Building, with Intent thereby to set fire to such Farmhouse or Farm Building, and to injure or defraud any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Setting fire to any Rail

VI. Whosoever shall wilfully and maliciously set fire to any Station, Engine House, Warehouse, or other Building belonging or appertaining

ing to any Railway, Port, Dock, Harbour, Canal, or other Navigation, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

way Station. 14 & 15 Vict. c. 19. s. 8.

VII. Whosoever shall wilfully and maliciously set fire to any Goods or Chattels being in any Building the setting fire to which is made Felony by this or any other Act, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Setting fire to Goods in any Building the setting fire to which is made Felony. 14 & 15 Vict. c. 19. s. 8.

VIII. Whosoever shall unlawfully and maliciously set fire to any Building other than such as are in this Act before mentioned, belonging to the Queen, or to any County, Riding, Division, City, Borough, or Place, or belonging to any University, or College or Hall of any University, or to any Inn of Court, or devoted or dedicated to Public Use or Ornament, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Setting fire to any Public Building.

IX. Whosoever shall unlawfully and maliciously set fire to any Building other than such as are in this Act before mentioned shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Setting fire to other Buildings.

X. Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any Building, under such Circumstances that if the Offence were complete the Offender would be guilty of Felony, and liable to be kept in Penal Servitude for Life, shall, although such Building be not actually set on fire, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned

Attempting to set fire to Buildings. 9 & 10 Vict. c. 25. ss. 7. 9. 11.

imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Rioters demolishing Church, Building, &c.
7 & 8 Geo. 4. c. 30. s. 8.
4 & 5 Vict. c. 56. s. 2. 4.
6 & 7 Vict. c. 10.

XI. If any Persons riotously and tumultuously assembled together to the Disturbance of the public Peace shall unlawfully and with Force demolish, or pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or any Chapel for the Religious Worship of Persons dissenting from the United Church of England and Ireland, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Granary, Shed, Hovel, or Fold, or any Building or Erection used in farming Land, or in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture, or in any Branch thereof, or any Steam Engine or other Engine for sinking, working, ventilating, or draining any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine; every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Destroying or damaging a House with Gunpowder, any Person being therein.
9 & 10 Vict. c. 25. ss. 1. 5. 9. 11.

XII. Whosoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, destroy, throw down, or damage the whole or any Part of any Dwelling House, any Person being therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Destroying or damaging any Building with Gunpowder whereby Life endangered.
9 & 10 Vict. c. 25. s. 2.

XIII. Whosoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, destroy or damage any Building, whereby the Life of any Person shall be endangered, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour,

Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Attempting to destroy Buildings with Gunpowder. 9 & 10 Vict. c. 25 s. 6.

XIV. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any Building any Gunpowder or other explosive Substance with Intent to destroy or damage any Building or any Machinery, Working Tools, Fixtures, Goods, or Chattels, shall, whether or not any Explosion take place, and whether or not any Damage be caused to any Building, Machinery, Working Tools, Fixtures, Goods, or Chattels, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

As to malicious Injuries to Manufactures, Machinery, &c.:

Destroying Goods in Process of Manufacture, certain Machinery, &c. 7 & 8 G. 4. c. 30. ss. 3. 27.

XV. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or render useless, any Goods or Article of Silk, Woollen, Linen, or Cotton, or of any One or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace respectively, being in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture, or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Warp or Shute of Silk, Woollen, Linen, or Cotton, or of any One or more of those Materials mixed with each other, or mixed with any other Material, or shall unlawfully and maliciously cut, break, or destroy, or Damage with Intent to destroy or render useless, any Loom, Frame, Machine, Engine, Rack, Tackle, or Implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such Goods or Articles, or shall by Force enter into any House, Shop, Building, or Place with Intent to commit any of the Offences in this Section mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Destroying Machines in other Manufactures, Threshing Machines, &c.
7 & 8 G. 4. c. 30. ss. 4. 27.

XVI. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Threshing Machine, or any Machine or Engine, whether fixed or moveable, prepared for or employed in any Manufacture whatsoever, (except the Manufacture of Silk, Woollen, Linen, or Cotton Goods, or Goods of any One or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace,) shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

As to malicious Injuries to Corn, Trees, vegetable Productions, &c.:

Setting fire to Crops of Corn, &c.
7 & 8 G. 4. c. 30. ss. 17. 27.

XVII. Whosoever shall unlawfully and maliciously set fire to any Crop of Corn, Grain, or Pulse, whether standing or cut down, or to any Part of any Wood, Coppice, or Plantation of Trees, or to any Heath, Gorse, Furze, or Fern, wheresoever the same may be growing, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Setting fire to Stacks of Corn, &c.
7 W. 4. & 1 Vict. c. 89. ss. 10. 12.
9 & 10 Vict. c. 25. s. 9.

XVIII. Whosoever shall unlawfully and maliciously set fire to any Stack of Corn, Grain, Pulse, Tares, Straw, Haulm, Stubble, Furze, Heath, Fern, Hay, Turf, Peat, Coals, Charcoal, or Wood, or any Steer of Wood, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Attempting to set fire to any Stack, Steer, or vegetable Produce.
9 & 10 Vict. c. 25. ss. 7. 9. 11.

XIX. Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any Stack or Steer, or to any vegetable Produce of such Kind, and under such Circumstances that if the Offence were complete the Offender would be guilty of Felony, and liable to be kept in Penal Servitude for Life, shall, although such Stack, Steer, or vegetable Produce be not actually set on fire, be guilty of Felony, and being convicted thereof shall be liable, at the

the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Destroying Hopbinds.
7 & 8 G. 4. c. 30. s. 18.
7 W. 4. & 1 Vict. c. 90. ss. 2, 3.
9 & 10 Vict. c. 24. s. 1.

XX. Whosoever shall unlawfully and maliciously cut or otherwise destroy any Hopbinds growing on Poles in any Plantation of Hops shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Destroying or damaging Trees, Shrubs, &c. to the Value of more than 1*l.* growing in a Pleasure Ground, &c.
7 & 8 G. 4. c. 30, ss. 19. 27.

XXI. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, (in case the Amount of the Injury done shall exceed the Sum of One Pound) shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Destroying or damaging Trees, Shrubs, &c. to the Value of more than 5*l.* growing elsewhere than in a Pleasure Ground, &c.
7 & 8 G. 4. c. 30. s. 19.

XXII. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing elsewhere than in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining to or belonging to any Dwelling House, (in case the Amount of Injury done shall exceed the Sum of Five Pounds,) shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Damaging Trees, wheresoever growing.

XXIII. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part

ing, to the Amount of 1*s.*
7 & 8 G. 4. c. 30. ss. 20. 27.

Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the Injury done being to the Amount of One Shilling at the least, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and whosoever having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Twelve Months, as the convicting Justice shall think fit; and if such Second Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction; and whosoever having been twice convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

7 & 8 G. 4. c. 30. s. 20.

Destroying any Fruit or vegetable Production in a Garden.
7 & 8 G. 4. c. 30. s. 21.

XXIV. Whosoever shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Root, Fruit, or vegetable Production, growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and whosoever having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

XXV. Who-

XXV. Whosoever shall unlawfully and maliciously destroy, or damage with Intent to destroy, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding One Month, or else shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Twenty Shillings, as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs, if ordered, shall be committed as aforesaid for any Term not exceeding One Month, unless Payment be sooner made; and whosoever having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Six Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

Destroying &c. vegetable Productions not growing in Gardens, &c. 7 & 8 G. 4. c. 30. s. 22.

XXVI. Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall, on Conviction thereof, before a Justice of the Peace, for the First Offence forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and whosoever having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term, not exceeding Twelve Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

Destroying, &c. any Fence, Wall, Stile, or Gate. 7 & 8 G. 4. c. 30. s. 23.

XXVII. Whosoever shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever,

Persons committing Damage to

any Property, in any Case not previously provided for, may be compelled by a Justice to pay Compensation not exceeding 5*l.*

whatsoever, either of a public or private Nature, for which no Remedy or Punishment is herein-before provided, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet, and also such further Sum of Money as shall appear to the Justice to be a reasonable Compensation for the Damage, Injury, or Spoil so committed, not exceeding the Sum of Five Pounds; which last-mentioned Sum of Money shall, in the Case of private Property, be paid to the Party aggrieved; and in the Case of Property of a public Nature, or wherein any public Right is concerned, the Money shall be applied in such Manner as every Penalty imposed by a Justice of the Peace under this Act is herein-after directed to be applied; and if such Sums of Money, together with Costs (if ordered), shall not be paid either immediately after the Conviction, or within such Period as the Justice shall at the Time of the Conviction appoint, the Justice may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, as the Justice shall think fit, for any Term not exceeding Two Months, unless such Sums and Costs be sooner paid: Provided, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not being wilful and malicious, committed in hunting, fishing, or in the Pursuit of Game, but that every such Trespass shall be punishable in the same Manner as if this Act had not passed.

Application of the Money awarded. 7 & 8 G. 4. c. 30. s. 24.

Proviso.

Preceding Section to extend to Trees.

XXVIII. The Provisions in the last preceding Section contained shall extend to any Person who shall wilfully or maliciously commit any Injury to any Tree, Sapling, Shrub, or Underwood, for which no Remedy or Punishment is herein-before provided.

As to malicious Injuries to Mines:

Setting fire to a Coal Mine. 7 W. 4. & 1 Vict. c. 89. ss. 9. 12. 9 & 10 Vict. c. 25. s. 9.

XXIX. Whosoever shall unlawfully and maliciously set fire to any Mine of Coal or Cannel Coal shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Attempting to set fire to a Mine. 9 & 10 Vict. c. 25. ss. 7, 9. 11.

XXX. Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any Mine, under such Circumstances that if the Offence were complete the Offender would be guilty of Felony, and liable to be kept in Penal Servitude for Life, shall, although such

such Mine be not actually set on fire, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Conveying Water into a Mine, obstructing the Shaft, &c. 7 & 8 G. 4. c. 30. ss. 6. 27.

XXXI. Whosoever shall unlawfully and maliciously cause any Water to be conveyed or to run into any Mine, or into any subterraneous Passage communicating therewith, with Intent thereby to destroy or damage such Mine, or to hinder or delay the working thereof, or shall with the like Intent unlawfully and maliciously pull down, fill up, or obstruct any Airway, Waterway, Drain, Pit, Level, or Shaft of or belonging to any Mine, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping: Provided, that this Provision shall not extend to any Damage committed underground by any Owner of any adjoining Mine in working the same, or by any Person duly employed in such working.

Damaging Steam Engines, Staiths, Waggonways, &c. 7 & 8 G. 4. c. 30. ss. 7. 27.

XXXII. Whosoever shall unlawfully and maliciously pull down or destroy, or damage with Intent to destroy or render useless, any Steam Engine or other Engine for sinking, draining, ventilating, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, whether such Engine, Staith, Building, Erection, Bridge, Waggonway, or Trunk be completed or in an unfinished State, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years,with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

As to malicious Injuries to Sea Banks, Rivers, Canals, Ponds, Bridges, Turnpike Gates, &c.:

Destroying any Sea Bank, &c. or Wall on any Canal. 7 & 8 G. 4. c. 30. ss. 12. 72.

XXXIII. Whosoever shall unlawfully and maliciously break down or cut down or otherwise damage or destroy any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, Reservoir, Pool, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw, break, or cut down, level, or otherwise destroy any Quay, Lock, Sluice,

Sluice, Flood Gate, or other Work belonging to any Port, Harbour, Dock, Reservoir, or on any navigable River or Canal, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Removing the Piles of any Sea Bank, &c., or doing any Damage to obstruct the Navigation of a River or Canal.
7 & 8 G. 4. c. 30. ss. 12. 27.

XXXIV. Whosoever shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, Marsh, Reservoir, Pool, Port, Harbour, Dock, Quay, Wharf, or Lock, or shall unlawfully and maliciously open or draw up any Flood Gate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Breaking down the Dam of a Fishery, &c. or Mill Dam, or poisoning Fish.
7 & 8 G. 4. c. 30. s. 15.

XXXV. Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the Dam of any Fish Pond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, or shall unlawfully and maliciously cut through, break down, or otherwise destroy the Dam or Flood Gate of any Mill Pond, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and if a Male, with or without whipping.

Injury to a public Bridge.

XXXVI. Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any Bridge or Viaduct over which

which any Highway, Railway, or Canal shall pass, whether such Bridge or Viaduct shall or shall not be erected over any Stream of Water, or do any Injury with Intent and so as thereby to render such Bridge or Viaduct or any Part thereof dangerous or impassable, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping. 7 & 8 G. 4. c. 30. ss. 13. 27.

XXXVII. Whosoever shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any Turnpike Gate, or any Wall, Chain, Rail, Post, Bar, or other Fence belonging to any Turnpike Gate, or set up or erected to prevent Passengers passing by without paying any Toll directed to be paid by any Act of Parliament relating thereto, or any House, Building, or Weighing Engine erected for the better Collection, Ascertainment, or Security of any Toll, shall be guilty of a Misdemeanor. Destroying a Turnpike Gate, Toll House, &c. 7 & 8 G. 4. c. 30. s. 14.

As to malicious Injuries to Railways:

XXXVIII. Whosoever shall wilfully and maliciously put, place, cast, or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall wilfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall wilfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall wilfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall wilfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any Engine, Tender, Carriage, or Truck using such Railway, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour. Placing Wood, &c. on Railway with intent to obstruct or overthrow any Engine, &c. 14 & 15 Vict. c. 19. s. 6.

XXXIX. Whosoever shall wilfully do or cause to be done any Thing in such Manner as to obstruct any Engine or Carriage using any Railway, or shall aid or assist therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour. Obstructing Engines or Carriages on Railways. 3 & 4 Vict. c. 97. s. 15.

As to malicious Injuries to Works of Art:

Destroying or damaging Works of Art in Museums, Churches, &c. 8 & 9 Vict. c. 44. ss. 1. 4.

XL. Whosoever shall unlawfully and maliciously destroy or damage any Thing kept for the Purposes of Art, Science, or Literature, or as an Object of Curiosity, in any Museum, Gallery, Cabinet, Library, or other Repository, which Museum, Gallery, Cabinet, Library, or other Repository is either at all Times or from Time to Time open for the Admission of the Public or of any considerable Number of Persons to view the same, either by the Permission of the Proprietor thereof or by the Payment of Money before entering the same, or any Picture, Statue, Monument, or painted Glass in any Church or Chapel or other Place of Religious Worship, or in any Building belonging to the Queen, or to any County, Riding, Division, City, Borough, or Place, or to any University, or College or Hall of any University, or to any Inn of Court, or any Statue or Monument exposed to public View, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any Term not exceeding Six Months, and, if a Male, with or without Hard Labour, and with or without whipping; provided that nothing herein contained shall be deemed to affect the Right of any Person to recover, by Action at Law, Damages for the Injury so committed.

Destroying or damaging a Public Statue. 17 & 18 Vict. c. 33. s. 6.

XLI. Whosoever shall unlawfully and maliciously destroy or damage any Public Statue within the Meaning of the Act of the Session of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Thirty-three, or the Ornaments, Railings, or Fences surrounding such Public Statue, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Six Months, and, if a Male, with or without Hard Labour, and with or without whipping.

As to malicious Injuries to Cattle:

Killing or maiming Cattle. 7 & 8 G. 4. c. 30. s. 16. 7 W. 4. and 1 Vict. c. 90. ss. 2, 3. 9 & 10 Vict. c. 24. s. 1.

XLII. Whosoever shall unlawfully and maliciously kill, maim, or wound any Cattle, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

As to malicious Injuries to Ships:

Setting fire to Ships of War, Arsenals, Maga-

XLIII. Whosoever shall, either within the United Kingdom, or in any Part of Her Majesty's Dominions elsewhere, or in any Settlement,

Settlement, Colony, Territory, or Place belonging or subject to Her Majesty, wilfully and maliciously set on fire, or burn or otherwise destroy, or cause to be set on fire, or burnt or otherwise destroyed, any of Her Majesty's Ships or Vessels of War, whether the said Ships or Vessels of War be on float, or building or begun to be built in any of Her Majesty's Dockyards, or building or repairing by Contract in any private Yard, for the Use of Her Majesty,—or any of Her Majesty's Arsenals, Magazines, Dockyards, Ropeyards, Victualling Offices, or any of the Buildings erected therein or belonging thereto, or any Timber or Materials there placed for building, repairing, or fitting out of Ships or Vessels, or any of Her Majesty's Military, Naval, or Victualling Stores, or other Ammunition of War, or any Place or Places where any such Military, Naval, or Victualling Stores, or other Ammunition of War is, are, or shall be kept, placed, or deposited,—shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon: Provided that any Person who shall commit any of the Offences mentioned in this Section, either within or without the United Kingdom, may be prosecuted and tried for the same in any County in England, in like Manner and Form as if such Offence had been committed within the said County, or in the Place where such Offence shall have been actually committed.

zines, or Stores. 12 G. 3. c. 24. s. 1.

XLIV. Whosoever shall unlawfully and maliciously set fire to or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Setting fire to a Ship. 7 W. 4. & 1 Vict. c. 89. ss. 6. 12.

XLV. Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, whereby the Life of any Person shall be endangered, shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon.

Setting fire to a Ship whereby Life is endangered. 7 W. 4. & 1 Vict. c. 89. s. 4.

XLVI. Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any Ship or Vessel, with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or of any Goods on board the same, or any Person that has underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same,

Setting fire to Ships to prejudice the Owner or Underwriters. 7 W. 4. & 1 Vict. c. 89. ss. 6. 12.

same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Attempting to set fire to a Vessel. 9 & 10 Vict. c. 25. ss. 7. 9.

XLVII. Whosoever shall unlawfully and maliciously, by any overt Act, attempt to set fire to any Ship or Vessel, under such Circumstances that if the Offence were complete the Offender would be guilty of Felony, and liable to be kept in Penal Servitude for Life, shall, although such Ship or Vessel be not actually set on fire, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Placing Gunpowder near a Vessel with intent to damage it. 9 & 10 Vict. c. 25. ss. 6. 9. 11.

XLVIII. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any Ship or Vessel any Gunpowder or other explosive Substance, with Intent to destroy or damage any Ship or Vessel, or any Machinery, working Tools, Fixtures, Goods, or Chattels, shall, whether or not any Explosion take place, and whether or not any Injury is effected to such Ship, Vessel, Machinery, working Tools, Fixtures, Goods, or Chattels, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Damaging Ships otherwise than by Fire. 7 & 8 G. 4. c. 30. ss. 10. 27.

XLIX. Whosoever shall unlawfully and maliciously damage, otherwise than by Fire, Gunpowder, or other explosive Substance, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same or render the same useless, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with

or

or without Hard Labour, and with or without Solitary Confinement, and, if a Male, with or without whipping.

Exhibiting false Signals, &c. 7 W. 4. & 1 Vict. c. 89. s. 5.

L. Whosoever shall unlawfully exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any Thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, shall be guilty of Felony, and being convicted thereof shall suffer Death as a Felon.

Destroying Wrecks or any Articles belonging thereto. 7 W. 4. & 1 Vict. c. 89. ss. 8. 12.

LI. Whosoever shall unlawfully and maliciously destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, or any Goods, Merchandise, or Articles of any Kind belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

As to making Gunpowder to commit Offences, and searching for the same:

Making or having Gunpowder, &c. with Intent to commit any Felony against this Act. 9 & 10 Vict. c. 25. ss. 8. 9. 11.

LII. Whosoever shall knowingly have in his Possession or make or manufacture any Gunpowder, explosive Substance, or any dangerous or noxious Thing, or any Machine, Engine, Instrument, or Thing, with Intent by means thereof to commit, or for the Purpose of enabling any other Person to commit, any of the Felonies in this Act mentioned, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without whipping.

Justices may issue Warrants for searching Houses, &c. in which explosive Substances are suspected to be made for the Purpose of committing such Felonies. 9 & 10 Vict. c. 25. s. 12.

LIII. Any Justice of the Peace of any County or Place in which any Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for the Purpose of being used in committing any of the Felonies in this Act mentioned, upon reasonable Cause assigned upon Oath by any Person, may issue a Warrant under his Hand and Seal for searching in the Daytime any House, Shop, Cellar, Yard, or other Place, or any Waggon, Cart, or Vessel in which such Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for such Purpose as herein-before mentioned; and every Person acting in the Execution of any such Warrant shall have for seizing, removing to proper Places, and detaining

detaining all such Gunpowder, explosive, dangerous, or noxious Substances found upon such Search, which he shall have good Cause to suspect to be intended to be used in committing any such Offence, and the Barrels, Packages, and Cases in which the same shall be, the same Powers and Protections which are given to Persons searching for unlawful Quantities of Gunpowder, under the Warrant of a Justice, by the Act of the Twelfth Year of the Reign of King George the Third, Chapter Sixty-one, intituled "An Act to regulate the making, "keeping, and Carriage of Gunpowder within Great Britain, and "to repeal the Law heretofore made for any of those Purposes."

As to other Matters:

A Person loitering at Night, and suspected of any Felony against this Act, may be apprehended. 9 & 10 Vict. c. 25. ss. 13, 14.

LIV. Any Constable or Peace Officer may take into Custody, without Warrant, any Person whom he shall find lying or loitering in any Highway, Yard, or other Place during the Night, and whom he shall have good Cause to suspect of having committed, or being about to commit, any Felony against any of the Sections of this Act, and may detain such Person until he can be brought before a Justice of the Peace, to be dealt with according to Law; provided that no such Person shall be detained after Noon of the following Day without being brought before a Justice.

Malice against Owner of Property unnecessary. 7 & 8 G. 4. c. 30. s. 25. 8 & 9 Vict. c. 44. s. 2.

LV. Every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed or otherwise.

The Act shall apply to Persons in possession of the Property injured.

LVI. Every Provision of this Act not herein-before so applied shall apply to every Person who, with Intent to injure or defraud any other Person, shall do any of the Acts herein-before made penal, although the Offender shall be in possession of the Property against or in respect of which such Act shall be done.

The Act shall apply to Owners, Part Owners, and Joint Owners of Property injured.

LVII. Every Provision of this Act not herein-before so applied shall apply to every Person being a Part Owner, Joint Owner, or the Wife of an Owner, Part Owner, or Joint Owner, who, with Intent to injure or defraud any Owner, Part Owner, Joint Owner, or other Person, shall do any of the Acts herein-before made penal against or in respect of any Property, of which the Offender, or the Husband of the Offender, shall be Owner, Part Owner, or Joint Owner.

Persons in the Act of committing

LVIII. Any Person found committing any Offence against this Act, whether the same be punishable upon Indictment or upon summary

summary Conviction, may be immediately apprehended, without a Warrant, by any Peace Officer, or the Owner of the Property injured, or his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

any Offence may be apprehended without a Warrant. 7 & 8 G. 4. c. 30. s. 28.

LIX. The Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Months after the Commission of the Offence, and not otherwise.

Limitation as to summary Proceedings. 7 & 8 G. 4. c. 30. s. 29.

LX. Where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any Offence punishable on summary Conviction under this Act, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case ex parte, or issue his Warrant for apprehending such Person and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), issue such Warrant; and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Mode of compelling the Appearance of Persons punishable on summary Conviction. 7 & 8 G. 4. c. 30. s. 30.

LXI. Where any Offence is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, whosoever shall aid, abet, counsel, or procure the Commission of such Offence, shall, on Conviction before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a Principal Offender is by this Act made liable.

Abettors in Offences punishable on summary Conviction. 7 & 8 G. 4. c. 30. s. 31.

LXII. Every Sum of Money which shall be forfeited for the Amount of any Injury done (such Amount to be assessed in each Case by the convicting Justice) shall be paid to the Party aggrieved, except where he is unknown, and in that Case such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Amount or otherwise, shall be paid to some one of the Overseers of the Poor, or to some other Officer (as

Application of Forfeitures and Penalties upon summary Convictions. 7 & 8 G. 4. c. 30. s. 32. 18 & 19 Vict. c. 126. s. 22.

the Justice may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the General Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such General Rate, and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Directions for the Payment thereof to any Person: Provided, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One of such Offenders only; and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

Proviso.

If a Person summarily convicted shall not pay, &c., the Justice may commit him. 7 & 8 G. 4. c. 30. s. 33.

LXIII. In every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid, either immediately after the Conviction, or within such Period as the Justice shall, at the Time of the Conviction, appoint, the convicting Justice (unless where otherwise specially directed) may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Months, where the Amount of the Sum forfeited, or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds; and for any Term not exceeding Four Months where the Amount, with Costs, shall not exceed Ten Pounds; and for any Term not exceeding Six Months in any other Case; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Scale of Imprisonment.

The Justice may discharge the Offender in certain Cases. 7 & 8 G. 4. c. 30. s. 34.

LXIV. Where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, the Justice may, if he shall so think fit, discharge the Offender from his Conviction upon his making such Satisfaction to the Party aggrieved for Damages and Costs, or either of them, as shall be ascertained by the Justice.

Pardon for Nonpayment of Money. 7 & 8 G. 4. c. 30. s. 35.

LXV. Her Majesty may extend Her Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

LXVI. In

A summary Conviction shall be a Bar to any other Proceeding for the same Cause. 7 & 8 G. 4. c. 30. s. 36.

LXVI. In case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment awarded in the first instance, or shall have been so discharged from his Conviction by any Justice, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Appeal. 7 & 8 G. 4. c. 30. s. 38.

LXVII. In all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction, for the County, Riding, or Division wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c. 7 & 8 G. 4. c. 30. s. 39.

LXVIII. No such Conviction or Adjudication made on Appeal therefrom shall be quashed for want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions.
7 & 8 G. 4. c. 30. s. 40.
How far Evidence in future Cases.

LXIX. Every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Venue in Proceedings against Persons acting under this Act.
Notice of Action.
General Issue, &c.
7 & 8 G. 4. c. 30. s. 41.

LXX. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant has by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action and of the Verdict obtained thereupon.

Offences committed at Sea.
7 & 8 G. 4. c 30. s. 43.
7 W. 4. & 1 Vict. c. 89. s. 14.

LXXI. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of England shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in England, and may be dealt with, inquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of England; provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

LXXII. In

Fine and Sureties for the Peace, in what Cases.

LXXII. In all Cases where any Person shall be convicted of a Misdemeanor under this Act, it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to find Sureties for keeping the Peace and being of good Behaviour, both or either; and in all Cases of Felonies in this Act mentioned, not punishable with Death, it shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace in addition to any of the Punishments by this Act authorized.

Hard Labour, Solitary Confinement, and Whipping.

LXXIII. Where Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction; and where Solitary Confinement may be awarded for any indictable Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and where Whipping may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be once, twice, or thrice publicly or privately whipped.

The Costs of the Prosecution of Offences against this Act may be allowed.

LXXIV. The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Act to extend to England only.

LXXV. Nothing in this Act contained shall extend to Scotland or Ireland, except as herein-before otherwise expressly provided.

Commencement of Act.

LXXVI. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Malicious Injuries to Property.

A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of England relating to malicious Injuries to Property.

(*Brought from the Lords* 23 *July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1857.

[Bill 152.]

Under 4 *oz.*

Markets and Fairs (Ireland) Bill.

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SCHEDULE.

(Ireland.)

A

BILL

FOR

The Regulation of Markets and Fairs in Ireland.

WHEREAS it is expedient to make further Provision for the Regulation of Markets and Fairs in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Expression "the Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being; the Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland; the Word "County" shall include Riding, and shall also include a County of a City or County of a Town; the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland; the Expression "the Commissioner" shall mean the Commissioner or Special Commissioners appointed from Time to Time under this Act; the Word "Owner" shall include any Body of Interpretation of Terms used in this Act: "Lord Lieutenant:" "Lord Lieutenant in Council:" "County:" "Town:" "Commissioner:" "Owner:"

of Commissioners, and any Corporate Body, or Person entitled to any Tolls or Customs in respect of any Market or Fair, or claiming to be so entitled and in Receipt, of such Tolls or Customs; the Expression "Tolls" shall extend to and include all Customs, Stallages, Rents, Fees, and other Dues whatsoever payable by any Person using or frequenting any Market or Fair; the Word "Lease" shall include an Agreement for a Lease; the Word "Cart" shall include Waggon and also any Carriage used wholly or chiefly for the Conveyance of Goods; the Word "Driver" shall include the Carter or other Person having the Care of any Cart; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; and the Expression "the Collector" shall mean the Person appointed by the Person or Persons entitled to the Tolls in any Market or Fair to collect the Tolls authorized by this Act, and shall include the Assistants of the Collector; the Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin; the Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and if such Matter arise in respect of any Market or Fair situated not wholly in any one Jurisdiction, shall mean a Justice acting for the Place where any Part of such Market or Fair shall be situated; the Word "Person" shall include a Corporation, whether aggregate or sole.

"Tolls:"
"Lease:"
"Cart:"
"Driver:"
"Cattle:"
"Collector:"
"Superior Courts:"
"Justice."
"Person."

Short Title.

II. This Act may be cited as "The Markets and Fairs (Ireland) Act, 1857."

Provisions of Lands Clauses Consolidation Act, 1845, extended to this Act.

III. The several Provisions of the "Lands Clauses Consolidation Act, 1845," (except the Provisions of the said Act which authorize the purchasing or taking of any Lands otherwise than by Agreement,) shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof and in the Construction of this Act and the said incorporated Act, this Act shall be deemed to be the Special Act: Provided always, that all Things by the "Lands Clauses Consolidation Act, 1845," required or authorized to be done by the Promoters of the Undertaking may be done by the Owner of any Market or Fair under this Act.

Commissioner to be appointed by the Lord Lieutenant.

IV. It shall and may be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint a competent Person to be Commissioner under this Act, to be continued in Office so long as the Lord Lieutenant shall deem necessary, and upon every Vacancy in the

the Office of such Commissioner in like Manner to appoint some other competent Person to such Office; and the said Person to be from Time to Time appointed shall be the Commissioner for the Execution of this Act, and shall be styled "The Commissioner of Markets and Fairs in Ireland."

Commissioner to have a Common Seal.

V. The said Commissioner, or the Special Commissioner to be appointed as herein-after provided, shall cause to be made a Seal for his Commission, and shall cause to be sealed therewith all Orders and other Instruments made by or proceeding from the Commissioner or Special Commissioner in pursuance of this Act; and all such Orders and other Instruments, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence, without any further Proof thereof or of the Appointment of the Commissioner or Special Commissioner.

Salary to be paid out of Monies to be provided by Parliament.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary not exceeding Pounds per Annum to be paid to the Commissioner appointed under this Act; and such Salary, and all incidental Expenses of carrying this Act into execution, if any such Expenses be incurred, not herein otherwise provided for, shall be paid out of such Money as shall be provided by Parliament for the Purpose.

Power to Commissioner to summon Witnesses.

VII. It shall be lawful for the Commissioner, by Summons under his Seal, to require the Attendance before him, at a Time and Place to be mentioned in such Summons, of all such Persons as he shall think it necessary to examine in relation to any Inquiry directed or authorized by this Act, or any Question or Matter depending before him as such Commissioner, and to require all such Persons to produce before him all Deeds, Books, Papers, Documents, and Writings relating to such Inquiry, Question, or Matter, and to examine upon Oath, which he is hereby empowered to administer, all Persons who shall under such Summons or voluntarily attend before him as Witnesses.

Penalty for Non-attendance.

VIII. If any Person required by such Summons to attend before the Commissioner shall, without reasonable Cause, to be allowed by him, fail to appear according to such Summons (having been paid or tendered a sufficient Sum of Money to defray the Charges of his Attendance), or shall refuse to be sworn, or shall not make answer to all such Questions as shall be lawfully put to him by the Commissioner, or shall refuse or fail to produce before the Commissioner any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be

produced by him, he shall be subject to a Penalty for every such Offence not exceeding *Ten Pounds.*

Power to Commissioner to proceed upon Affidavit.

IX. The Commissioner may, if he think fit, receive in Evidence Affidavits, and such Affidavits may be made before any Justice of the Peace, or any Person empowered to take Affidavits, to be used in any of the Superior Courts in Ireland; and all Persons who shall wilfully give false Evidence or otherwise forswear themselves in any such Examination or Affidavit shall upon Conviction thereof be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Owners to furnish Copy of Schedule of Tolls to the Commissioners.

X. All Persons claiming or levying any Tolls at or on account of any Fair or Market in Ireland (save Trustees, Commissioners, Corporations, or other Persons authorized under any Act of Parliament, and save such Persons as are Owners of Markets in the City of Dublin), shall, within *Ten* Days after they shall respectively be required so to do by Notice in Writing under the Hand of the Commissioner, furnish to the Commissioner a true Copy of the Schedule of such Tolls, and the Names of the Person collecting and of the Person or Corporation claiming Right to the same, as such Particulars appear upon the Board erected at the principal Entrance of such Fair or Market, under the Provisions of the Statute Fifty-seventh George the Third, Chapter One hundred and eight; and the Party so furnishing the said Copy shall previously to its Transmission to the said Commissionner duly verify the same by his Declaration, to be by him duly made before a Justice of the Peace; and any Person declining or neglecting to furnish such Copy of such Schedule, duly verified, within the Time hereby provided, shall be liable to a Penalty not exceeding *Five Pounds* for each and every Week or Part of a Week during which he or they shall so decline or neglect to furnish the same after the Expiration of the Period aforesaid.

57 G. 3. c. 108. s. 1.

Penalty for Neglect.

On Receipt of Copy of Schedule of Tolls, the Commissioner to revise the same.

XI. The Commissioner, upon Receipt of such verified Copy, shall proceed to revise the same, and may alter, vary, add to, diminish, or omit the Items thereof, either in the whole or in part, and include therein new Subjects in respect of which Tolls shall be payable, not exceeding the Tolls mentioned in the Schedule to this Act; and upon the Completion of such Revision the said Commissioner shall return such new or revised Schedule, attested under his Seal, together with a Provisional Order, attested in like Manner, directing that the said new or revised Schedule shall, after the Lapse of Two Months from the Date of such Order, be adopted, and be the Schedule of the Tolls to be levied and demanded at such Fair or Market.

XII. The

Copy of revised Schedule to be transmitted to Owner.

XII. The Commissioner shall forthwith cause a Copy of said Order and Schedule to be transmitted by Post to such Owner, and Notice thereof to be given in manner herein-after directed.

Appeal to Judicial Committee of Privy Council.

XIII. It shall be lawful for such Owner or any Person aggrieved to appeal against any Rule, Order, or Adjudication of the Commissioner, to the Privy Council in Ireland, within *One Month* after Notice thereof, as herein-after directed; and such Appeal shall be heard and reported on by the Judicial Committee of the Privy Council, and the Orders of the Privy Council shall be made according to the Reports of such Judicial Committee.

Who shall constitute Judicial Committee.

XIV. The said Judicial Committee shall consist of the Lord High Chancellor of Ireland for the Time being, and such of the Members of the said Privy Council as shall from Time to Time hold any of the following Offices in and for Ireland; (that is to say,) of Lord Keeper or First Lord Commissioner of the Great Seal of Ireland, Lord Chief Justice or Judge of the Court of Queen's Bench, Master of the Rolls, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron or Baron of the Court of Exchequer, Lord Justice of the Court of Appeal in Chancery, and Judge or Commissary of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland, and of all Persons Members of the said Privy Council who shall hold the Office of Lord Chancellor of Ireland, or any of the other Offices herein-after mentioned, and of such other Persons, not exceeding *Four* in Number, being Privy Councillors in Ireland, as the Lord Lieutenant shall appoint to be Members of such Committee; and no such Appeal as aforesaid shall be heard or reported on by the said Judicial Committee unless in the Presence of at least *Four* Members of the said Committee, and no Report on such Appeal shall be made unless a Majority of the Members of such Committee present at the Hearing concur in such Report.

Order and Schedule final.

XV. The Order and Schedule (if no Appeal, or if Appeal against, then such Order and Schedule as settled by the Privy Council,) shall be final and conclusive, unless altered as herein-after mentioned.

57 G. 3. c. 108. s. 1. List of Tolls to be set up in conspicuous Places.

XVI. Immediately upon such final Settlement of the said Schedule of Tolls the Tolls therein specified shall be the only Tolls which can be legally taken or claimed in the Market or Fair to which such Schedule shall apply; and all Persons collecting Tolls, or claiming the same, at any such Fair or Market in Ireland, shall erect, affix, and keep up, at all Times during the entire of the Days on which such Markets and Fairs are held, in some conspicuous Place at each of the principal Entrances of the same, a Board having painted thereon in

large and legible Characters an exact Copy of such revised or altered Schedule, so that such Boards may be referred to and examined by any Person desirous of so doing.

57 G. 3. c. 108. s. 2. Penalty for Neglect. 57 G. 3. c. 108. s. 3.

XVII. Every Person who shall demand any Toll or Custom, without having previously erected such Board, and duly kept up and maintained the same as aforesaid, or who shall demand any Toll or Custom not specified on such Board, shall forfeit for every such Offence the Sum of *Forty Shillings*, and shall refund the Amount of such illegal Toll to the Person improperly charged therewith: Provided, however, that in case it shall appear that any Toll Board shall have been defaced or removed by Violence, then such Collector shall not be liable to such Penalty, unless he shall neglect to reinstate such Board as soon as the same may be reasonably done.

57 G. 3. c. 108. s. 4. Penalty for defacing Board.

XVIII. Every Person who shall deface or remove any such Board, or shall be engaged in any Riot in which any such Board shall be defaced or removed, shall, in addition to any criminal Punishment he may thereby incur, also forfeit a Sum not exceeding *Five Pounds*.

Commissioner may, after Two Years, reconsider Schedule.

XIX. The Commissioner may, at any Time after the Expiration of *Two* Years from the Settlement of any Schedule of Tolls, on the Application of the Owner, or of Twenty-one or more Persons rated to the Relief of the Poor to the Value of *Eight Pounds* and upwards, residing in the Town or Place at which such Market or Fair is held, or within *Three* Miles thereof, proceed to reconsider, revise, and settle such Schedule; and all the Powers, Directions, and Provisions herein-before contained in relation to the original Revision of any Schedule of Tolls, and the Provisional Order to be made thereon, and the Right of Appeal therefrom, shall apply to such new Revision, as if the same were here repeated.

Byelaws.

XX. The Commissioner may from Time to Time, with such Approval as is herein-after required, make Byelaws for the Regulation of any Fair or Market, or generally of all Fairs and Markets in Ireland falling within his Jurisdiction, and for carrying the Purposes of this Act into execution, and may also, with the like Approval, from Time to Time repeal or alter any such Byelaws; and the Commissioner by such Byelaws may impose such reasonable Penalties as he shall think fit, not exceeding *Five Pounds* for each Breach thereof.

Byelaws to be approved by the Lord Lieutenant in Council.

XXI. No such Byelaws shall come into operation until approved of by the Lord Lieutenant in Council, and the same shall thereupon be published in the "Dublin Gazette," and a Copy thereof lodged with the Clerk of the Peace of any and every County in which the Fair

Fair or Market, or any Part thereof intended to be affected by such Byelaws, is situate.

Copy of Byelaws to be posted in conspicuous Places and on nearest Police Barrack.

XXII. A Copy of each of such Byelaws shall be transmitted to the Owner of each Fair or Market to which they shall apply; and such Owner shall thereupon erect and keep up in some conspicuous Part of the said Fair or Market during the entire of the Days on which the same are held a Board, having painted thereon in large and legible Characters an exact Copy of each of such Byelaws, and shall also cause a written or printed Copy of each of such Byelaws to be posted on any Constabulary Barrack which shall be situate within, or, if there be none such, then on any Constabulary Barrack which shall be most contiguous to such Fair or Market.

Publication of Byelaws.

XXIII. The Publication of such Byelaws in the "Dublin Gazette," and the posting of the same on some Constabulary Barrack, as hereinbefore provided, shall be conclusive Evidence of the making, Allowance, and due Publication of the said Byelaws, and the said Byelaws shall thereupon be (until repealed or altered as aforesaid) as binding and conclusive as if the same had been expressly enacted herein.

Penalty for not posting Byelaws.

XXIV. Every Owner who shall neglect, within *One Month* from the Receipt of such Byelaws, to erect and keep up a Board having painted thereon a Copy of each of such Byelaws, shall for the First Offence forfeit the Sum of *Forty Shillings*, and for every such additional Offence he shall forfeit the Sum of *Five Pounds*.

Constabulary to enforce Regulations of Commissioner.

XXV. The Constabulary of the County in which each Fair or Market is situate shall be charged with the Duty of preserving Order therein, and shall use their best Exertions to enforce the Byelaws and other Regulations of the Commissioner, and carry the same and this Act into effect and operation.

Upon Application to Lord Lieutenant, where Persons are willing to provide a better Site and Accommodation for any Market or a new Market, Lord Lieutenant may direct Inquiry.

XXVI. Upon the Application to the Lord Lieutenant of *Twenty-one* or more Persons rated to the Relief of the Poor to the Value of *Eight Pounds* or upwards in any County or Town in Ireland, complaining of Inconvenience arising in such Town, or in any Part of such County, within *Seven* Miles of the Residence of such Persons, from the Want of a Market or Fair, or from the Want of a sufficient Number thereof, or from the Insufficiency or Inconvenience of the Site of any such Market or Fair as may be there held, or from the Want of proper Accommodation therein, and representing that the Applicants, or some or One of them, or some other Person named in such Application, are or is willing to provide an eligible Site for a Market or Fair in such Town, or in such Part of such County, together with

the requisite Accommodation for the same, it shall be lawful for the Lord Lieutenant, if he shall see fit, by his Warrant to direct the Commissioner, and in case the Office of Commissioner under this Act shall have been discontinued, some competent Person as a Special Commissioner, to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act.

Commissioner to make Inquiry, and may make Provisional Order.

XXVII. The Commissioner shall, as soon as conveniently may be after being directed to make such Inquiry as aforesaid, go to the Town or Place where the existing Market or Fair is holden, or where it is proposed that a Market or Fair shall be established, and there make Inquiry into the Matter of such Application, and hold One or more Sittings for that Purpose, and may adjourn any such Sitting from Time to Time, and shall give Notice of the said Order of the Lord Lieutenant, and of the Time and Place of his First Sitting by publishing the same in some Newspaper usually circulated in such Town or Place, and by Notice in Writing to the Owner of such existing Market or Fair, or of the Market or Fair usually holden nearest to the Place at which it is proposed that such new Market or Fair shall be established, which Notice shall be delivered to the Owner, or left at his usual Place of Residence, or transmitted to him thereat through the Post Office.

Proceedings on Application.

XXVIII. If the Commissioner shall find that the Allegations in such Application are well founded, he shall ascertain and determine whether or not the Site proposed to be provided is eligible, and the Accommodation sufficient, and may make a Provisional Order under his Seal declaring that upon such Site and Accommodation being provided within a Time to be limited by such Order the Person or Persons providing the same will be entitled to hold a Fair or Market, as the Case may be, and take the Tolls specified therein; and the said Commissioner in and by such Provisional Order shall fix and declare the Time and Place of holding such Fair or Market, the Tolls, if any, to be taken, and such other Particulars as shall appear to such Commissioner to be necessary.

Order to be suspended if Owner of existing Market or Fair provides additional Accommodation.

XXIX. In case the Owner of any existing Market or Fair, the Site whereof or the Accommodation wherein is complained of as inconvenient or insufficient, or the Owner of any other Market or Fair who would be prejudicially affected by the Establishment of any proposed new Market or Fair, shall be willing, and offer at any Sitting of the Commissioner, before he shall have made any Provisional Order, to provide the requisite Site and Accommodation, the Commissioner shall suspend the making of such Provisional Order for such Time

Time as may appear to him proper for providing such Site and Accommodation; or if such Owner so desire, the Commissioner may make such Provisional Order as aforesaid in favour of such Owner: Provided that if such Owner shall not provide the necessary Accommodation within the Time limited, then the Commissioner shall at once issue his Provisional Order to the proper Person or Persons, and cancel his Provisional Order in favour of such Owner.

Owner desirous of improving any Market or Fair may make Application, and thereupon Inquiry to be made as in other Cases.

XXX. Upon the Application to the Lord Lieutenant by the Owner of any Market or Fair, representing that he is desirous of providing an improved Site for the same, or of enlarging or otherwise improving the same or the Accommodation therein, provided he be authorized to levy Tolls and other Charges therein, it shall be lawful for the Lord Lieutenant, if he think fit, to direct the Commissioner to make Inquiry into the Matter of such Application, and the Commissioner shall thereupon proceed to make such Inquiry in manner herein-before provided in other Cases of Inquiries directed to be made by him, and shall ascertain and determine whether or not the carrying into effect of the Proposals made by such Application, either with or without any Variation therein, would be beneficial, and of sufficient Benefit to justify the establishing in such Market or Fair of any Tolls and Charges, and in case he find in the Affirmative he may make a Provisional Order in relation thereto, in like Manner as herein-before provided in other Cases.

Commissioner in Provisional Order to fix Tolls, and Days for holding the Market or Fair.

XXXI. The Commissioner in and by every such Provisional Order as aforesaid shall appoint and fix the Tolls to be taken in the Market or Fair to which the same relates, not exceeding the Tolls mentioned in the Schedule to this Act, and shall fix the Days on which the Market or Fair shall be holden; and a Copy of every such Provisional Order shall be transmitted by Post to the Owner, and Notice thereof given as herein-after provided.

Order liable to Appeal and Revision.

XXXII. Every such Provisional Order and Schedule shall be liable to be appealed from, and to be from Time to Time revised and altered as herein-before provided.

Saving Rights of Mortgagee.

XXXIII. Nothing herein contained shall prejudice the Rights of any Person who shall have advanced Money to any Owner of any Market or Fair upon Security, by way of Mortgage or otherwise, of the Tolls of such Market or Fair; and the Tolls arising or to arise under the Provisions of this Act shall be liable to the Payment of the Sum due for Principal or Interest on such Security, as fully and effectually as the Tolls of such Market or Fair were liable before the passing of this Act.

Owner may purchase Land not exceeding Ten Acres for carrying into effect such Provisional Order.

XXXIV. It shall be lawful for the Owner of any Market or Fair, upon such Provisional Order being made in his Favour as aforesaid, to purchase by Agreement any Land not exceeding in the whole *Ten* Acres, for the Purposes of providing an improved Site for such Market or Fair, or making convenient Approaches thereto, or of enlarging or otherwise improving the same, or the Accommodation therein, under the Provisions of this Act.

Owner of Market or Fair may borrow Money.

XXXV. The Owner of any Market or Fair may borrow at Interest on the Security of the Lands appropriated to such Market or Fair, or any Property purchased for such improved Site, and of such Tolls and Charges as he may be authorized to levy under the Provisions of this Act, such Sums as he may think necessary for such Purposes, and may accordingly grant Mortgages of the Tolls, Rates, Stallages, Rents, and Payments, or any of them, authorized by this Act, and the Property appropriated for such Market or Fair, or purchased for the improved Sites of such Markets or Fairs, or any Part thereof, to the Person advancing the Money, or his Nominee, as a Security for the same.

On Completion of Market or Fair, Tolls to be taken according to the Provisional Order.

XXXVI. When any Market or Fair, or the additional Accommodation for the same mentioned in any Provisional Order under this Act, shall be completed and fit for Use, to the Satisfaction of the Commissioner, Notice thereof shall be published by him in the "Dublin Gazette," and in One or more Newspapers circulated in the Neighbourhood of the Market or Fair, and such Publication shall be conclusive Evidence of such Completion, and also that all previous Steps and Proceedings have been duly taken, and thereupon such Market or Fair shall be deemed a legal Market or Fair, and the several Tolls to be taken at such Market or Fair, which are fixed in such Provisional Order, shall become payable to the Persons or Person mentioned in such Order, their and his respective Heirs and Assigns, or to their respective Officers: Provided always, that previously to the opening of any such Market or Fair the Schedules of Tolls and Copy of the Byelaws shall be painted and posted as herein-before provided, and any Byelaw for the Regulation of all Markets and Fairs generally shall be construed to extend to every such Market or Fair, unless it be by express Words exempted from the Operation thereof.

Mode of giving Notice.

XXXVII. Whenever Notice is herein-before directed to be given of any Order made or Schedule revised or settled by the Commissioner, such Notice shall be given by Publication of a Copy thereof in One or more Newspapers circulated in the Neighbourhood of the Market or Fair to which such Notice shall apply, and by posting printed

printed Copies thereof at such Places as the Commissioner shall direct.

Tolls, &c. how to be payable.

XXXVIII. So far as conveniently may be, all such Tolls as shall be receivable by virtue of this Act shall be levied and paid at the Entrance to the Market or Fair, and always beforehand and in anticipation of the Use or Enjoyment of the Easement or Accommodation in respect of which the same is or are payable, and no Sub-Sale or subsequent Dealing in respect of the whole or any Part of any Article or Number of Articles once admitted to the Market or Fair, and in respect of which the proper Sum shall have been paid as required by this Act, shall subject the same or any Part thereof to any further or other Charge, Burden, or Imposition for the Residue of the Day upon which such Payment shall have been made.

Collectors, Clerks, &c. to be appointed by Owners, as the Case may be.

XXXIX. The Person entitled to Tolls in any Market or Fair under this Act shall appoint such Collectors and other Officers for the Regulation of the Market or Fair, and for the Preservation of Order therein, as the Commissioner shall deem requisite and by the Provisional Order direct, and may from Time to Time remove and dismiss all or any of such Officers, and appoint others to fill the Situation or Situations so made vacant.

Officer to make Declaration that he will faithfully discharge his Duties.

XL. Every Officer so appointed shall, before entering on the Duties of his Office, make a Declaration before some Justice of the Peace that he will faithfully and honestly discharge the Duties of such Office, which Declaration any Justice of the Peace is hereby authorized to take.

Penalty on obstructing Inspector in removing unwholesome Meat.

XLI. Any Officer appointed by the Owner of the Market or Fair, or any Constable, may seize all unwholesome Meat or Provisions exposed for Sale in a Market or Fair, and carry the same before a Justice, and such Justice shall thereupon deal with the Case according to Law; and every Person who shall obstruct or hinder such Officer or Constable from seizing or carrying away such unwholesome Meat or Provisions shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence.

Penalty for obstructing Market or Fair Keeper.

XLII. Every Person who shall assault or obstruct any Constable or Person appointed to superintend the Market or Fair or to keep Order therein, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Power to Justices to give possession of Toll Houses, &c.

XLIII. If any Collector or other Officer be discharged or suspended from his Office, under the Provisions of this Act, or die, or absent himself, and if such Collector or other Officer, or any of his Family

to Persons entitled to Tolls, in case of Toll Collectors, &c. discharged or suspended.

Family or Representatives, refuse or neglect, after *Twenty-four* Hours Notice in Writing for that Purpose, to deliver up to the Owner of any Market or Fair under this Act, or to any Person appointed by him for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Weighing Machine, Beam, Scales, or Weights, or any Books, Papers, or other Matters belonging to any such Owner, in the Possession or Custody of any such Collector or other Officer at the Occurrence of any such Event as aforesaid, in right of his Appointment, then, upon Application being made by such Owner to any Two Justices of the Peace, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Weighing Machine, Beam, Scales, Weights, Books, Papers, or other Matters, and to deliver the same to the Owner of such Market or Fair, or any Person appointed by him for that Purpose.

Power to lease Tolls.

XLIV. The Owner of any Market or or Fair may from Time to Time demise and let the Market Places or any Part of them, and the Weighing Houses or Places, and Machines or any of them, Stallages, Rents, or Tolls, to which such Person or Persons are entitled under this Act, or any of them, for any Period not exceeding *Three* Years, upon such Terms as may be agreed upon between such Person or Persons and the Person to whom such Lease is made.

Power to lease Stalls, &c.

XLV. The Owner of any Market or Fair may let any of the Stalls, Standing Places, Benches, or other Conveniences in the Market Places, to any Person for any Term not exceeding *Three* Years.

Power to assign Leases.

XLVI. The Lessee of any such Stall, Standing Place, Bench, or other Convenience, his Executors, Administrators, and Assigns, with the Consent of the Owner of the Market or Fair, but not otherwise, may assign the same for the Residue of his Term.

Lessee, &c. to be deemed Collectors.

XLVII. During the Continuance of any such Lease, the Lessee or Assignee, and also all Persons appointed by him or them to collect the Tolls and Rates so let, shall be deemed Collectors of Tolls and Rates so let, and they shall have the same Powers to collect and recover such Tolls and Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Owner of such Tolls and Rates.

Lessee, &c. making default to be removed.

XLVIII. If any Lease shall have become void or voidable, according to any Stipulation therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms

Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear and unpaid for *Twenty-one* Days after the same shall have become payable, then, upon Application made by the Owner of the Tolls or Rates so let to any Justice of the District, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building belonging to such Owner, and to remove from the same the Lessee or Assignee, or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Owner of such Tolls or Rates so let, and deliver the same to him, or any Person authorized by him for that Purpose.

Power of re-letting Tolls.

XLIX. Upon such Possession being obtained, it shall be lawful for the Owner of the Tolls or Rates so let to determine the Lease, if any, previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or for unperformed or broken Obligations or Conditions on the Lessee's Part, all of which Remedies shall remain in force; and in every Case, either during such Proceeding or on the Determination thereof, the Owners of such Tolls and Rates may again let the Tolls and Rates to any Person, or cause them to be collected, in the same Manner as if no such Lease had been made relative thereto.

Power of Parties to settle Disputes at Sales in Fairs or Markets extended to Cases where Amount in difference does not exceed 30*l.*

L. And whereas by the "Summary Jurisdiction (Ireland) Act, 1851," it is enacted, that whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market (and which shall not be of a greater Value than Five Pounds), it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose, or to adjourn the hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justices, or the Justices at such Petty Sessions, having examined into the said Complaint, upon the Oath of either of the Parties, or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions: The said Enactment shall extend and be applicable in the Case of any Dispute which shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Prices, or Payment for any Article, Matter, or Thing in any Fair or Market where the Amount or Value of the Sum or Matter in dispute does not exceed *Thirty Pounds.*

Mode of weighing certain Commodities.

LI. All Sales to be made at any such Market or Fair of any Corn, Potatoes, Hay, Straw, Flax, Green Food for Cattle, Carcases of Beef, dead Pigs, Butter, Wool, Hides and Skins, shall be made by the following Measures or Weights, or some Multiple or Sub-multiple thereof respectively; that is to say, of Wheat by the Barrel of Twenty Stones; of Barley, by the Barrel of Sixteen Stones; of Oats, by the Barrel of Twelve Stones; of Potatoes, by the Weight of Twenty-one Pounds, or by the Stone of Fourteen Pounds; of Flax, by the Stone of Sixteen Pounds; of Hay, Straw, Green Food for Cattle, Carcases of Beef, dead Pigs, Butter, and Hides and Skins, by the Hundredweight of One hundred and twelve Pounds, or by the Ton of Twenty such Hundredweight; and of Wool, by the Stone of Fourteen Pounds; all Imperial Standard Weight.

No Allowance to be made in weighing for Beamage, &c.

LII. All Articles, of what Nature or Kind soever, which shall be weighed at any such Market or Fair, shall be weighed and paid for at their just Weights, net Standing Beam, without any Deductions or Allowances, whether for Tret, Beamage, or Porterage, or otherwise howsoever, the Weight of any Vessel, Sack, Bag, Firkin, or other Thing (if any) containing the same alone excepted; and any Person taking any such Allowance or Deduction, with or without the Consent of the Seller, or buying or selling any Article by any Weight different from those herein specified, shall forfeit and pay for every such Offence any Sum not exceeding *Forty Shillings*, and also such further Sum or Sums of Money to the Seller, as Compensation for any such Deductions, Allowances, or Substitutions of Weights, as the said Justices shall in that Behalf award.

Owners of Markets, &c. to provide proper Weights and Measures for weighing Commodities sold.

LIII. The Person entitled to the Tolls of any Market or Fair shall provide sufficient and proper Weighing Houses, or Places for weighing or measuring the Commodities sold in the Market or Fair, and shall keep therein proper Weights, Scales, and Measures, according to the Standard Weights and Measures for the Time being for weighing and measuring such Commodities as aforesaid, and shall, subject, however, to the Provisions in that Behalf herein-before contained, appoint proper Persons to attend to the weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

Inspection of Weights and Measures.

LIV. The Person entitled to Tolls in any Market or Fair may, at such Times as shall appear to him or them reasonable, require any Person appointed by the Grand Jury of any County to be an Inspector of Weights and Measures within the District in which any such Market or Fair shall be situate, or any Head or other Constable who shall have been selected to be an *ex-officio* Inspector of Weights and Measures within such District, to inspect the Weights and Measures used by any

14 & 15 Vict. c. 92. s. 18.

any Person for the Sale of any Article in such Market or Fair, and the Inspector or ex officio Inspector respectively shall thereupon execute the Duties of his Office in such Market or Fair, with the like Powers, Liberties, and Indemnities as if he had been duly required by the Grand Jury of the County, or by the Justices at Petty Sessions respectively, to perform such Duties, and shall be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties as any Inspector of Weights and Measures may be liable to under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three; and any Person who shall use in such Market or Fair any Weight or Measure, other than those authorized by the said last-recited Act, for the Sale of any Article, shall on Conviction thereof be subject to the like Penalties for such Offence as any Person may be liable to for the like Offence under and by virtue of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Ninety-two.

Articles to be weighed if requested by the Buyer, &c

LV. Every Person selling or offering for Sale any Articles in any Market or Fair shall, if required so to do by the Buyer, or in case of Sale by the Owner of such Fair or Market, or any Person deputed by him, cause the same to be weighed or measured by the Weights and Scales or Measures provided as aforesaid and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid, shall be liable to a Penalty not exceeding *Forty Shillings*; and this Provision shall extend to Persons offering Articles for Sale within the Limits of any Market Town on Days other than the usual and accustomed Market Days.

Penalty for Refusal.

No Person, except Owner of Market, &c., shall erect Machine for weighing Articles sold therein.

LVI. From and after the *passing of this Act*, it shall not be lawful for any Person or Persons, other than the Owner or Owners of the Market or Fair, to erect any Crane or other Machinery within the Limits of such Market or Fair, for the Purpose of weighing, for Hire or otherwise, any Article sold, to be sold, or exposed for Sale at the said Market or Fair; and any Person found offending against this Provision shall for every Article he shall so weigh be liable to a Penalty not exceeding *Forty Shillings*.

Penalty on Persons appointed refusing to weigh, &c.

LVII. Every Person appointed to weigh or measure any Articles sold in the Market or Fair who shall refuse or neglect to weigh or measure the same, when required, shall be liable to a Penalty not exceeding *Forty Shillings*.

Penalty on other Parties committing

LVIII. Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Article,

Frauds as to weighing.

in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Owner of Market, &c., if required by Commissioner, to keep proper Machines for weighing Carts laden with Goods.

LIX. If the Commissioner shall by any Order so direct, the Owner of any Market or Fair shall provide sufficient and proper Buildings or Places for weighing Carts in which Goods are brought for Sale within such Market or Fair, and shall keep therein Machines and Weights proper for that Purpose, and shall from Time to Time appoint a Person in every such Building or Place to afford the Use of such Machines to the Public by weighing such Carts, with or without their Loading, as may be required.

Carts to be weighed at One of the Machines erected by the Owner of Market, &c.

LX. The Driver of every such Cart shall, at the Request of the Buyer or Seller of such Goods, or his Agent, take such Cart, with or without the Loading thereof, to the nearest of the said Weighing Machines, and shall permit the same to be weighed; and if such Cart be weighed with its Load thereupon, the Driver shall, if required, take such Cart, after its Load has been discharged, to the Weighing Machine nearest to such Place of Discharge, and permit it to be re-weighed without such Load; and if any such Driver shall for the Purposes aforesaid be required to take such Cart a greater Distance than *Half a Mile*, including the going to and returning from such Machines respectively, the Owner of the Cart shall be paid for every Horse which shall be used in drawing such Cart *Twopence* for the First Half Mile, and a like Sum for every additional Half Mile; and such Payment shall be made by the Person requiring such Cart to be weighed as aforesaid, before the Driver shall be obliged to take it as aforesaid for the Purpose of having it weighed.

Penalty on Drivers for refusing to take Carts to be weighed, &c.

LXI. The Driver of any such Cart who shall not, upon being so requested as aforesaid, and having such Payment made or tendered as aforesaid, take the same to such Weighing Machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the Person requiring such Cart to be weighed a Sum not exceeding *Twenty Shillings*.

Penalties on Drivers of Carts, &c. committing Frauds in weighing.

LXII. Every Driver of any such Cart weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding *Five Pounds* for each Offence; (that is to say,)

If he at the Time of weighing any such Cart knowingly have anything in or about the same other than the proper Loading thereof:

If he alter any Ticket denoting the Weight of any such Cart or the Loading of the same:

If

If he make or use, or be privy to making or using, any Ticket falsely stating the Weight of any such Cart or the Loading thereof:

If he, after the weighing of any such Cart with the Loading thereof, remove any Part of such Loading, and afterwards dispose of or attempt to dispose of or represent the Residue of such Loading as being the full Loading denoted by such Ticket:

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when such Cart so weighed without such Loading, change the Wheels of such Cart, or make any other Change upon it after being required to allow such Cart to be weighed without the Loading thereof:

If he be guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

Penalty on Buyers or Sellers for committing Frauds in weighing.

LXIII. If the Buyer or Seller of any Goods brought in any Cart for Sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do anything to such Cart or its Loading whereby the true Weight thereof respectively shall be altered before such weighing, he shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Penalties for Frauds committed by the Machine Keeper.

LXIV. The Person for the Time being appointed to keep any Weighing Machine provided in pursuance of this Act shall be liable to a Penalty not exceeding *Five Pounds*, in any of the following Cases; that is to say,

If he wilfully neglect, on Application, duly to weigh any Cart, with or without its Loading, as the Case may be, that is brought to the Machine kept by him to be weighed:

If he do not fairly weigh every such Cart, with or without its Loading, as the Case may be:

If he do not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without its Loading, as may be required:

If he give to the Driver of any such Cart a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof:

If he weigh any Cart, with or without its Loading, knowing that anything had been done to such Cart or to the Loading thereof to alter the true Weight thereof respectively:

If he knowingly assist in or connive at any Fraud concerning the weighing of any Cart or the Loading thereof, or make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Frauds as to weighing.

LXV. Every Person who shall knowingly aid or assist in committing any Fraud respecting the weighing or Weight of any Cart or the Loading thereof, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Tolls, &c. when to be paid.

LXVI. The Tolls of the Market or Fair shall be paid from Time to Time, on Demand, as and when the same shall become due, to the Collector or other Person authorized to receive the same.

Tolls to be paid to Persons authorized before the same are weighed, &c.

LXVII. The Tolls payable in respect of weighing or measuring marketable Commodities, or Carts, with or without Goods, shall be paid to the Person authorized to weigh or measure the same, by the Persons bringing such marketable Commodities or Carts to be weighed or measured, before the same are weighed or measured.

Tolls in respect of Cattle when due.

LXVIII. The Tolls in respect of Cattle brought to the Market or Fair for Sale shall become due as soon as the Cattle in respect whereof they are demandable are brought to the Market Place or Place for Fairs, and before the Cattle are put into any Pen or tied up therein; and if the Cattle be not removed within One Hour after the Close of the Market or Fair, another Toll shall become due in respect of the Cattle so omitted to be removed.

Penalty on taking a greater Toll than authorized by this Act.

LXIX. Every Person who shall demand or receive a greater Toll than that authorized to be taken under the Provisions of this Act shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Recovery of Tolls by Distress, &c.

LXX. If any Person liable to the Payment of any Tolls authorized by this Act to be taken do not pay the same, when demanded, any Person authorized to collect the same may levy the same by Distress of all or any of the Cattle or other Articles in respect of which such Tolls are payable, or of any other Cattle or other Articles in the Market or Fair belonging to the Person liable to pay the same, or the same may be recovered in any Court having competent Jurisdiction.

Disputes respecting Tolls how to be settled.

LXXI. If any Dispute arise concerning any such Tolls, such Dispute shall be determined by a Justice; and such Justice shall, on Application made to him, determine the same, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and the Justice shall issue his Warrant accordingly.

LXXII. Every

LXXII. Every Person who shall assault or obstruct any Person authorized to collect any Tolls authorized by this Act shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, or to be imprisoned for any Time not exceeding *Three Months*. Penalty for obstructing Collector of Tolls, &c.

LXXIII. It shall and may be lawful for the said Commissioner, from Time to Time to alter or vary any Schedule of Tolls, and the Byelaws and other Regulations relating to any Fair or Market, when and as often as it shall become necessary so to do by reason of any Change to be authorized by Parliament in the Amount, Denomination, Mode of Computation, or otherwise, of or in the Standard Weights and Measures now in use in Ireland. Commissioner may alter Byelaws and Schedules.

LXXIV. The Provisions of "The Summary Jurisdiction (Ireland) Act, 1851," and of "The Petty Sessions (Ireland) Act, 1851," shall, so far as the same are applicable, extend to all Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed. Recovery of Penalties. 14 & 15 Vict. cc. 92, 93.

LXXV. This Act shall extend only to Ireland; and nothing herein contained shall extend to or affect the Borough of Dublin, nor any Market or Fair regulated by any Local Act of Parliament, or held under the Provisions of any such Local Act. Act not to extend to Dublin, or Markets, &c. under Local Acts.

SCHEDULE.

Tolls payable at Markets and Fairs.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing for Sale Flesh, Meal, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, Matter, or Thing whatsoever, except as herein otherwise specifically provided, the following Tolls and Customs per Day shall be taken:—

	s.	*d.*
Not exceeding Three Feet by Three Feet - -		
Not exceeding Six Feet by Five Feet - - -		
Not exceeding Nine Feet by Five Feet - -		
Not exceeding Twelve Feet by Five Feet - -		
And in the same Proportion for any larger Space.		

For any Person exposing for Sale any Article, Matter, or Thing, and not occupying any Shed, Stall, Bulk, Block, Trestle, or Station, or any defined Compartment or Space on the Surface of the Ground:—

If the Spot on which such Person shall stand be within the covered Market—

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day the Sum of *Three Halfpence.*

If the Spot be not situated within the covered Market—	*s.*	*d.*
For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day the Sum of - - - - -	0	1
For the Carcase of every Bull, Ox, Steer, Cow, or Heifer, or any Part thereof, by any Person not occupying a Stall - - - -		
For the Carcase of every Calf, Pig, or Sheep by any Person not occupying a Stall - -		

Carts.

For the Space occupied by every Cart or other Vehicle used by any Person for exposing or in which shall be exposed for Sale any Article, Commodity, or Thing, the following Rents per Day:—

	s.	*d.*
If drawn by One Horse - - -		
By Two Horses - - - -		
If drawn by any One other Animal - -		
Or if by Two other Animals - - -		

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs as follows; (that is to say,)

	s.	*d.*
For every Horse, Mare, or Gelding - -		
For every Mule, Ass, Colt, Filly, or Foal -		
For every Bull, Ox, Cow, Heifer, or Steer -		
For every Stallion exposed or shown on a Market Day - - - - - -		
For every Calf - - - - -		
For every Score of Sheep or Lambs - -		
For every Score of Pigs - - - -		
For every Score of Sucking Pigs - - -		
And so in proportion for any greater Number, and One or more, not exceeding Five, to be paid for as a Quarter of a Score.		

Weighing and Measuring.

For weighing every Piece of Meat, or any other Article or Thing, weighing not more than Twenty Pounds Avoirdupoise - - -		
For weighing every Piece of Meat, or other Article or Thing, weighing more than Twenty Pounds and not exceeding One hundred Pounds	*0*	*1*
And so on in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight.		
For measuring any Quantity of Goods and Things sold by Measure, not exceeding One Bushel -		
For measuring every Quantity more than a Bushel and not exceeding Two Bushels - - -		
And for every Bushel beyond Two Bushels -		

Weighing Machines.

For weighing any Cart or other Carriage, laden or unladen, the Sum of *One Halfpenny* per Hundredweight.

(Ireland).

A

BILL

For the Regulation of Markets and Fairs in Ireland.

(*Prepared and brought in by Mr. Henry Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 20 *August* 1857.

[Bill 200.]

Under 4 *oz.*

Married Women Bill.

ARRANGEMENT OF CLAUSES.

Rights of Property in married Women, ss. 1—6.

Married Woman to be capable of holding and alienating Property, and of suing and being sued; 1.
Marriage not to operate Change in Property of Husband or Wife; 2.
Property acquired by Wife after Marriage to vest in her; 3.
Earnings of Wife in separate Trade to be her Personal Estate; 4.
Husband to take Share in Wife's Personal Estate on her Death intestate; 5.
Distribution of Wife's Estate on Intestacy; 6.

Liability of Husband and Wife in respect of Wife's Property, ss. 7—9.

Liability of Wife for her own Contracts; 7.
Liability of Husband limited to the Amount of Property acquired by Marriage; 8.
In Claims by Third Parties, joint Possession of Husband and Wife to be deemed Possession of Husband; 9.

Summary Mode of deciding Questions of Property between Husband and Wife, ss. 10—12.

Power in Husband or Wife to apply to a Judge to hear and decide summarily on any Question of Property; 10.
Power in Husband or Wife to file Inventory of separate Property; 11.
When Husband has received Rents and Profits with Consent of Wife, not liable to account; 12.

Miscellaneous, ss. 13—16.

Act not to interfere with Settlement or Agreement for a Settlement; 13.
Interpretation Clause; 14.
Act not to extend to Scotland or Ireland; 15.
Short Title of Act; 16.

A

B I L L

TO

Amend the Law with respect to the Property of Married Women.

Preamble.

WHEREAS the Law of Property with respect to married Women is unjust in Principle, and presses with peculiar Severity upon the poorer Classes of the Community, and ought therefore to be altered: Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Married Woman to be capable of holding and alienating Property, and of suing and being sued.

I. From and after the *passing of this Act*, a married Woman shall be capable of holding, acquiring, alienating, devising, and bequeathing Real and Personal Estate, and of suing and being sued, as if she were a Feme Sole.

Marriage not to operate Change in Property of Husband or Wife.

II. No Marriage solemnized after the *First Day of January One thousand eight hundred and fifty-eight* shall operate any Change in or effect any Charge on the Real and Personal Estate of either Husband or Wife, except in so far as shall be specified in any Settlement or Agreement for a Settlement made before the Marriage.

Property acquired by Wife after Marriage to vest in her.

III. All Real and Personal Estate hereafter acquired by any married Woman, and which but for the passing of this Act would fall

under the Control of, or vest absolutely in, the Husband, shall vest absolutely in the Wife, and be subject to her sole Disposition and Control.

Earnings of Wife in separate Trade to be her Personal Estate.

IV. The Earnings of a married Woman, in any Occupation or Trade carried on by her separately from the Occupation or Trade of her Husband, shall be deemed to be her Personal Estate, and as to all Engagements or Contracts entered into by her with respect to such Occupation or Trade she shall be solely liable, unless her Husband interferes in the Management, or participates in the Profits, of such Occupation or Trade.

Husband to take Share in Wife's Personal Estate on her Death intestate.

V. Upon the Death of a married Woman intestate, her Husband shall take the same distributive Share in her Personal Estate as such married Woman would take in the Personal Estate of her Husband if he died intestate.

Distribution of Wife's Estate on Intestacy.

VI. Subject to the last-mentioned Provision the Personal Estate of such married Woman shall, if she leave any Children, be distributed among them equally, or if she leave only One Child the same shall go to such Child; but if she leave no Child then the said Personal Estate shall go to or be distributed among such Person or Persons as would under the Statute of Distributions be entitled thereto had such married Woman died a Feme Sole, and her Real Estate shall descend to her next Heirs.

Liability of Wife for her own Contracts.

VII. A married Woman shall be liable upon any Contract which she may have entered into before Marriage, or which she may enter into on her own Account or jointly with her Husband after Marriage, and also for any pecuniary Damage caused by her own Wrong.

Liability of Husband limited to the Amount of Property acquired by Marriage.

VIII. A Husband shall not be liable for the Debts of his Wife contracted before Marriage, or for any pecuniary Damage caused by her own Wrong, either before or after the Marriage; but in every Judgment obtained against the Wife of whatsoever Nature, it shall be lawful for the Plaintiff to take in Execution the Goods or other Property of the Husband, but only to the Extent of the Amount or Value of such Goods or Property acquired by the Husband from or on behalf of his Wife by antenuptial Settlement or otherwise.

In Claims by Third Parties, joint Possession of Husband and Wife to be

IX. In all possessory Actions the joint Possession of Husband and Wife shall be deemed to be the Possession of the Husband, and it shall not be necessary to join the Wife in any such Action; and in all Claims by Third Parties against Husband and Wife or against the Husband alone the Title to Personal Property in the apparent Possession

Possession of the Husband shall be deemed to be in him until the Contrary be shown. deemed Possession of Husband.

X. In any Question of Title as to Property or Possession between Husband and Wife it shall be competent to either Party to apply by Petition to any Judge of the Superior Courts of Westminster Hall, or to the Judge of the County Court of the District wherein the Petitioner shall reside; and such Judge shall thereupon, if he sees fit, order the Parties to attend before him, and shall proceed to hear them (or either of them, if the other Party after due Notice fail to appear), and their Witnesses, vivâ voce and in a summary Way, without any Pleadings touching the Matter in dispute, and in his private Room if the Parties so require, and shall thereupon make such Order as to the Property or Possession, or as to a further Inquiry, as Justice may require; and any Breach of such Order shall be treated as the Breach of an Order of the Court of Chancery, and be punished accordingly. Power in Husband or Wife to apply to a Judge to hear and decide summarily on any Question of Property.

XI. Upon any such Application it shall be competent to the Judge to order an Inventory of any Property which after due Inquiry shall appear to be the separate Property of either Husband or Wife to be prepared at the Expense of the Applicant, and to be filed of record in his Court. Power to Husband or Wife to file Inventory of separate Property.

XII. When a married Woman having Real or Personal Estate has allowed her Husband to receive the Rents and Profits, or to use and dispose of the Personalty, the Husband shall not be held liable to account for such Rents, Profits, and Personalty for any Period during which he has so received and disposed of them with such Consent as aforesaid; and in the Case of her Death he shall be held liable to account only for such Rents, Profits, and Personalty as are in his Hands or under his Disposition and Control. When Husband has received Rents and Profits with Consent of Wife, not liable to account.

XIII. Nothing in this Act contained shall interfere with any Settlement, or Agreement for a Settlement, made in consideration of Marriage. Act not to interfere with Settlement or Agreement for a Settlement.

XIV. In the Construction of this Act, the Words "Real Estate" shall extend to Manors, Advowsons, Messuages, Lands, Tithes, Rent Charges in lieu of Tithes, Rents, and Hereditaments, whether Freehold, Customary Freehold, Tenant Right, Customary, or Copyhold, or of any other Tenure, and whether Corporeal, Incorporeal, or Personal, and whether the same shall be in possession, reversion, remainder, or contingency, and to any undivided Share thereof, and to any Estate, Right, or Interest (other Interpretation Clause.

than a Chattel Interest) therein; and the Words "Personal Estate" shall extend to Leasehold Estates and other Chattels real, and also to Monies, Shares of Government and other Funds, Securities for Money (not being Real Estates), Debts, Choses in Action, Rights, Credits, Goods, and all other Property whatsoever which by Law devolves upon the Executor or Administrator, and whether the same be in possession, reversion, remainder, or contingency, and to any Share or Interest therein.

Act not to extend to Scotland or Ireland.

XV. This Act shall not extend to Scotland or Ireland.

Short Title of Act.

XVI. This Act may be cited as the "Married Woman's Property Act, 1857."

Married Women.

A

B I L L

TO

Amend the Law with respect to the Property of Married Women.

(Prepared and brought in by Sir Erskine Perry and Mr. Monckton Milnes.)

Ordered, by The House of Commons, *to be Printed,* 14 *May* 1857.

[Bill 19.]

Under 1 *oz.*

4 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Enable Married Women to dispose of Reversionary Interests in Personal Estate.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Married Women may dispose of Reversionary Interests in Personal Estate, and release their Rights to a Settlement out of such Estate in possession.

I. From and after the *passing of this Act*, it shall be lawful for every Married Woman by Deed to dispose of every future or Reversionary Interest, whether vested or contingent, of such Married Woman, or her Husband in her Right, in any Personal Estate whatsoever, as fully and effectually as she could do if she were a Feme Sole; and also to release and extinguish her Right or Equity to a Settlement out of any Personal Estate to which she, or her Husband in her Right, may be entitled in possession, save and except that no such Disposition, Release, or Extinguishment shall be valid unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as herein-after directed.

Deeds to be acknowledged by

II. Every Deed to be executed by a Married Woman for any of the Purposes of this Act shall be acknowledged by her, and be other-

wise

Married Women in the Manner required by the Fines and Recoveries Act for disposing of Interests in Land.

wise perfected, in the Manner in and by the Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, "and for the Substitution of more simple Modes of Assurance," prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and all and singular the Clauses and Provisions in the said Act concerning the Disposition of Lands by Married Women, including the Provisions for dispensing with the Concurrence of the Husbands of Married Women, in the Cases in the said Act mentioned, shall extend and be applicable to such Interests in Personal Estate as may be disposed of by virtue of this Act, as fully and effectually as if such Interests were Interests in Land.

The Powers of Disposition given by this Act not to interfere with any other Powers.

III. Provided always, That the Powers of Disposition given to a Married Woman by this Act shall not interfere with any Power which independently of this Act may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by her under this Act she may be prevented from so doing, in consequence of such Power having been suspended or extinguished by such Disposition.

Act not to extend to any Provision made for a Married Woman by a Settlement upon her Marriage.

IV. Provided always, That the Powers of Disposition hereby given to a Married Woman shall not enable her to dispose of any Interest in Personal Estate which may have been settled upon her by any Settlement or Agreement for a Settlement made on the Occasion of her Marriage.

Act not to extend to Scotland.

V. This Act shall not extend to Scotland.

Reversionary Interest.

A

BILL

To enable Married Women to dispose of Reversionary Interests in Personal Estate.

(*Prepared and brought in by Mr. Malins and Mr. Mullings.*)

Ordered, by The House of Commons, *to be Printed,* 4 *June* 1857.

[Bill 44.

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Enable Married Women to dispose of Reversionary Interests in Personal Estate.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Married Women may dispose of Reversionary Interests in Personal Estate, and release Powers over such Estate and also their Rights to a Settlement out of such Estate in possession.

I. From and after the passing of this Act, it shall be lawful for every Married Woman by Deed to dispose of every future or Reversionary Interest, whether vested or contingent, of such Married Woman, or her Husband in her Right, in any Personal Estate whatsoever, and also to release or extinguish any Power which may be vested in or limited or reserved to her in regard to any Personal Estate whatsoever, as fully and effectually as she could do if she were a Feme Sole, and also to release and extinguish her Right or Equity to a Settlement out of any Personal Estate to which she, or her Husband in her Right, may be entitled in possession, save and except that no such Disposition, Release, or Extinguishment shall be valid unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as hereinafter directed.

II. Every

Deeds to be acknowledged by Married Women in the Manner required by the Fines and Recoveries Act for disposing of Interests in or Powers over Land.

II. Every Deed to be executed in England or Wales by a Married Woman for any of the Purposes of this Act shall be acknowledged by her, and be otherwise perfected, in the Manner in and by the Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, and for the Substitution of more "simple Modes of Assurance," prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and every Deed to be executed in Ireland by a Married Woman for any of the Purposes of this Act shall be acknowledged by her and be otherwise perfected in the Manner in and by the Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, and the Substitution of more simple "Modes of Assurance, in Ireland," prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and all and singular the Clauses and Provisions in the said Acts concerning the Disposition of Lands by Married Women, including the Provisions for dispensing with the Concurrence of the Husbands of Married Women, in the Cases in the said Acts mentioned, shall extend and be applicable to such Interests in Personal Estate and to such Powers as may be disposed of, released, or extinguished by virtue of this Act, as fully and effectually as if such Interests or Powers were Interests in or Powers over Land.

The Powers of Disposition given by this Act not to interfere with any other Powers.

III. Provided always, That the Powers of Disposition given to a Married Woman by this Act shall not interfere with any Power which independently of this Act may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by her under this Act she may be prevented from so doing, in consequence of such Power having been suspended or extinguished by such Disposition.

Act not to extend to any Provision made for a Married Woman by a Settlement upon her Marriage.

IV. Provided always, That the Powers of Disposition hereby given to a Married Woman shall not enable her to dispose of any Interest in Personal Estate which may have been settled upon her by any Settlement or Agreement for a Settlement made on the Occasion of her Marriage.

Act not to extend to Scotland.

V. This Act shall not extend to Scotland.

Reversionary Interest.

A

BILL

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

To enable Married Women to dispose of Reversionary Interests in Personal Estate.

(Prepared and brought in by Mr. Malins and Mr. Mullings.)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1857.

[Bill 77.]

Under 1 *oz.*

13 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Alter and amend the Laws regulating the Medical Profession.

WHEREAS it is expedient to amend the Laws relating to the Medical Profession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act, 1857." Short Title.

II. This Act shall commence and take effect from the *First Day of August, One thousand eight hundred and fifty-seven.* Commencement of Act.

III. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, shall be repealed, except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the passing of this Act. Repeal of Acts.

Medical Council.

IV. A Council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," and which shall comprise Branches for each Division of the United Kingdom respectively, shall be established to effect Uniformity of Education in the United Kingdom, to regulate the several Subjects in which Candidates for the Diplomas or Letters Testimonial of the respective Licensing Bodies shall be examined, to determine as to the Fitness and Efficiency of Medical Schools, and to provide for the due Registration of legally qualified Practitioners, and for the other Purposes in this Act herein-after mentioned.

Members of Council.

V. The General Council of Medical Education and Registration of the United Kingdom, herein-after called the General Council, shall consist of One Person chosen from Time to Time by each of the following Bodies; (that is to say,)

The College of Physicians of England:
The College of Surgeons of England:
The Apothecaries Society of England:
The University of Oxford:
The University of Cambridge:
The University of London:
The University of Durham:
The College of Physicians of Edinburgh:
The College of Surgeons of Edinburgh:
The College or Society of the Faculty of Glasgow:
The University of Edinburgh:

One Person chosen by,

The Universities of Glasgow, Aberdeen, and Saint Andrews, collectively:

One Person chosen by each of the following Bodies:

The King and Queen's College of Physicians in Ireland:
The Royal College of Surgeons in Ireland:
The Apothecaries Society of Ireland:
The University of Dublin:
The Queen's University in Ireland:

And *Six* Persons, not being Members of Council or Office Bearers in any of the said Medical Colleges or Societies, to be nominated by Her Majesty with the Advice of Her Privy Council, Four of whom shall be appointed for England, One for Scotland, and One for Ireland.

Providing for Appointment, if Universities of Glasgow, Aberdeen, and Saint Andrews disagree.

VI. If the said Universities of Glasgow, Aberdeen, and Saint Andrews shall not be able to agree upon some One Person to represent them in the Council, it shall be lawful for each One of the said Universities to select One Person; and thereupon it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to appoint

appoint One of the Persons so selected to be a Member of the said Council.

Branches of the Council for England, Scotland, and Ireland.

VII. The Representatives of the Medical Corporations and Universities of England, Scotland, and Ireland, and the Members nominated by Her Majesty, with the Advice of Her Privy Council, for each Division of the United Kingdom, shall be the Branch Councils for each Division of the United Kingdom respectively, to which Branch Councils it shall be deputed to carry out in the respective Divisions of the United Kingdom the Regulations of the General Council as to Education and Registration.

Qualification.

VIII. Members of Council representing the Medical Corporations must be qualified to be registered under this Act.

Resignation or Death of Member of General Council.

IX. Any Member of the General Council may at any Time resign his Appointment by Letter addressed to the President of the said Council, and upon the Death or Resignation of any Member of the said Council it shall be lawful for Her Majesty, under the Advice of Her Privy Council, or for the College or Society or University or Universities whose Representative or Nominee was the Member so dying or resigning, to appoint a duly qualified Person in his Place.

Time and Place of Meeting of the General Council.

X. The General Council shall hold their First Meeting within *Three* Months from the Commencement of this Act, in such Place and at such Time as the Secretary of State for the Home Department shall appoint, and shall elect One of their Members to be their President, and shall make such Rules and Regulations as to the Times and Places of the Meetings of the General Council, and the Mode of summoning the same, as to them shall seem expedient, which Rules and Regulations shall remain in force until altered at any subsequent Meeting; and in the Absence of any Rule or Regulation as to the summoning a Meeting of the General Council, it shall be lawful for the President to summon a Meeting at such Time or Place as to him shall seem expedient by Letter addressed to each Member; and at every Meeting, in the Absence of the President, some other Member to be chosen from the Members then present shall act as President; and all Acts of the General Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number not being less than *Eight*, and at all such Meetings the President for the Time being shall, in addition to his Vote, have a Casting Vote, in case of an Equality of Votes.

Appointment of Registrars

XI. The General Council shall appoint a Registrar, being a Person qualified to be registered under this Act, who shall act as Secretary of the

and other Officers.

the General Council, and who may also act as Treasurer, unless the Council shall appoint another Person or other Persons as Treasurer or Treasurers; and the Person or Persons so appointed shall likewise act as Registrar for England, and as Secretary and Treasurer or Treasurers, as the Case may be, for the Branch Council of England; the General Council and Branch Council for England shall also appoint so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed by any Council shall be removable at the Pleasure of that Council, and shall be paid such Salary as the Council by which they were appointed shall think fit.

Appointment of Registrar and other Officers by Branch Councils.

XII. The Branch Councils for Scotland and Ireland shall each respectively in like Manner appoint a Registrar and other Officers and Clerks, who shall be paid such Salaries as each Branch Council respectively shall think fit, and be removable at the Pleasure of the Council by which they were appointed; and the Person appointed Registrar shall also act as Secretary to the Branch Council, and may also act as Treasurer, unless the Council shall appoint some other Person or Persons as Treasurer or Treasurers.

Fees for Attendance at Councils.

XIII. There shall be paid to the Members of the Councils such Fees for Attendance and such reasonable Travelling Expenses as shall from Time to Time be allowed by the General Council and approved by the Secretary of State for the Home Department.

Expenses of the Councils.

XIV. All Monies payable for Registration and for the Examinations in general Education herein-after directed in each Division of the United Kingdom respectively shall be paid to the Treasurer of that Division, and shall be applied to defray the Expenses of carrying this Act into execution in Manner following; that is to say, separate Accounts shall be kept of the Expenses of the General Council, and of those of the Branch Councils; and the Expenses of the General Council, including those of printing and publishing the Register for the United Kingdom, shall be defrayed, under the Direction of the General Council, by means of an equal Per-centage Rate upon all Monies received by the several Branch Councils; Returns shall be made by the Treasurers of the respective Branch Councils, at such Times as the General Council shall direct, of all Monies received by them; and the necessary Per-centage having been computed by the General Council, the respective Contributions shall be paid by the Treasurer of each Branch Council to the Treasurer or Treasurers of the General Council; and the Expenses of the Branch Councils shall be defrayed, under the Direction of those Councils, respectively out of the Residue of the Monies so received as aforesaid.

XV. The

Registration of Persons in Practice before the passing of this Act.

XV. The Medical Registrars shall, immediately after the *Commencement of this Act*, under the Authority of the respective Branch Councils of England, Scotland, and Ireland, proceed to register in Books to be kept for that Purpose in each Division of the United Kingdom respectively, to be called "The Physicians Register," on Payment of a Fee of *Ten Shillings*, the Name and Place of Abode, together with a Description of the Testimonials, including a Statement whether as a Licentiate or Fellow of every Person then practising as a Physician in any of the Three Divisions of the United Kingdom, and not engaged in the Art and Mystery of an Apothecary, or in the Practice of Pharmacy, who shall, on or before the *First Day of December* One thousand eight hundred and fifty-*seven*, apply to be registered, and who shall at the Time of such Application be of at least *Twenty-four* Years of Age, and who, prior to the *passing of this Act*, shall have taken a Degree in Medicine in any English, Irish, or Scotch University, or who shall produce his Diploma or Licence, or shall produce a duly attested Certificate, or such other Proof as shall be satisfactory to the Branch Council of each Part of the United Kingdom respectively, of his having obtained a Diploma or Licence to practise as a Physician, dated prior to the *passing of this Act*, and granted by any of the English, Irish, or Scotch Colleges or Corporations enumerated in Schedule (C.) to this Act, No. 1.; and the said Medical Registrars shall also proceed to register, in Books to be kept for that Purpose in each Part of the United Kingdom respectively, to be called "The Surgeons Register," on Payment of a like Fee of *Ten Shillings*, the Name and Place of Abode, together with a Description of the Testimonials, including a Statement whether as a Member or Fellow of the College of Surgeons, of every Surgeon and Apothecary who shall apply to be registered, on or before the *First Day of December* One thousand eight hundred and fifty-*seven*, and who shall produce his Diploma, Certificate, or Licence, or shall produce a duly attested Certificate, or such other Proof as shall be satisfactory to the said Branch Council of each Part of the United Kingdom respectively, of his having obtained a Diploma, Certificate, or Licence to practise as a Surgeon or Apothecary, dated prior to the *passing of this Act*, and granted by Colleges or Corporations enumerated in Schedule (C.) to this Act, No. 2., situated in that Part of the United Kingdom in which he shall apply, and also of every Person who shall apply to be registered, and who was actually practising as an Apothecary in England and Wales prior to the *First Day of August* One thousand eight hundred and *fifteen*, and who shall sign a Declaration according to the Form in Schedule (D.), and also of every Surgeon and Assistant Surgeon of the Army and Navy, or the Honourable East India Company's Service, who shall apply to be registered, and whose Warrant of Appointment bears Date prior to the *First Day of August* One thousand eight hundred and *twenty-six*.

Registration after the passing of this Act.

XVI. The Medical Registrars shall, on and after the *Commencement of this Act*, proceed to register, in Books to be kept for that Purpose, and on Payment of a Fee which shall be determined by the General Council, and shall not be less than *Three* nor more than *Six Guineas*, the Name and Place of Abode, together with a Description of the Testimonials, including a Statement whether as a Licentiate or Fellow, and such other Particulars as are shown in Schedule (E.), of every Physician and Surgeon who shall apply to be registered, and who shall be qualified for Registration as herein-after provided; and every registered Physician or Surgeon who shall afterwards remove from that Part of the United Kingdom in which he had been registered shall, in order to practise as a Physician or Surgeon, cause his Name to be transferred to the Register of the Part to which he shall so remove, and shall, having first caused himself to be enrolled as a Member or Licentiate of the corresponding College or Faculty of the said Part of the United Kingdom, be entitled to be registered in such Register in like Manner as he was before registered, on Payment of a Fee of *Ten Shillings*.

Register to be published.

XVII. The Medical Registrars in each Division of the United Kingdom shall, under the Authority of the respective Branch Councils, in the Month of *February* in every Year, cause to be made correct Registers, in the Form in Schedule (E.), of the Names and Places of Abode of all Persons who shall have been registered under the Provisions of this Act, and who shall have sent to the Medical Registrars in each Division of the United Kingdom respectively their Names and Places of Abode; and the Registrars for Scotland and Ireland shall transmit correct Copies of their respective Registers to the Registrar for England, who shall cause the same to be published as early as may be convenient in each Year, in union with the Register for England; and the collected Register shall be called "The Medical Register of the United Kingdom," and a printed Copy of the Medical Register for the Time being so published as aforesaid shall be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons therein specified are registered according to the Provisions of this Act, and the Absence of the Name of any Person from such printed Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act.

Duty of Registrar to keep the Register correct.

XVIII. And it shall be the Duty of the Medical Registrars in each Division of the United Kingdom to keep their respective Registers correct, and to erase the Names of all Physicians or Surgeons who shall have died or who shall have signified their Wish to cease to be registered Medical Physicians or Surgeons, and shall from Time to Time make the necessary Alterations in the Addresses or Qualifications of the registered

registered Physicians and Surgeons; and to enable the Registrars duly to fulfil the Duties imposed upon them it shall be lawful for them to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to practise, or has changed his Residence, and if no Answer shall be returned to such Letter within the Period of a Month from the sending of the Letter it shall be lawful to erase the Name of such Person from the Register; provided always, that the same may be restored by Direction of the Council should they think fit to make an Order to that Effect.

Wilful Falsification of Register.

XIX. Any Medical Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanour, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding *Six* Months.

Preliminary Examination in general Education.

XX. The Branch Councils of each Division of the United Kingdom shall, within *Three* Months after their First Meeting, appoint Examiners in England, Scotland, and Ireland respectively, subject to the Approval of the General Council at their next Meeting, to examine in general Education, after a Scheme to be approved by the General Council, and such Examiners shall receive such Remuneration to be paid out of the Funds of the Branch Council as the Branch Councils shall respectively think fit, and shall hold Office for such Period as the Branch Councils shall determine; and no Person other than a Graduate in Arts in some University of the United Kingdom, or in some Foreign University approved by the General Council, unless he shall have passed the Examinations for a Degree in Arts, or Examinations in some University of the United Kingdom, that shall be deemed equivalent by the General Council shall be entitled to present himself before any College for the Purpose of obtaining Letters Testimonial as a Physician or Surgeon, as hereinafter provided, unless he shall have received a Certificate according to the Form in the Schedule (F.), signed by some One or more of the said Examiners, for which Certificate the Person receiving it shall pay a Fee of *Two Pounds*, or such Fee as the General Council shall appoint, subject to the Approval of the Secretary of State for the Home Department; and all Monies received by the said Examiners shall be paid to the Treasurers of the Branch Councils.

Physicians.

XXI. After the *passing of this Act* the Medical Registrars shall, under the Authority of the respective Branch Councils, require Proof from every Person who applies to be registered as a Physician, and who is not qualified to be registered as such under the Provisions of Section

tion Fifteen of this Act, that he has completed the Age of *Twenty-four* Years, and that he has graduated in Arts and Medicine, or in Medicine after having passed the Examinations for a Degree in Arts in some University of the United Kingdom, or in some Foreign University approved by the General Council, or that his Case comes within some special Exception established by the General Council, and that he has been examined by and has received Letters Testimonial as a Physician from One of the Royal Colleges of Physicians of England, Scotland, or Ireland, and has been enrolled as a Member of that College.

Surgeons.

XXII. After the *passing of this Act* the Medical Registrars shall under the Authority of the respective Branch Councils, require Proof from every Person who applies to be registered as a Surgeon, and who is not qualified to be registered as such under the Provisions of Section Fifteen of this Act, that he has completed the Age of *Twenty-one* Years, and that he has been examined by and has received Letters Testimonial as a Surgeon from the Colleges or licensing Bodies herein-after named, that is to say, from the Royal College of Surgeons of England, the Royal College of Surgeons of Edinburgh, the Faculty of Glasgow, or the Royal College of Surgeons in Ireland, as the Case may be, having first successfully passed the Examinations herein-after mentioned, that is to say,—

In England the Examinations in Medicine, Surgery, and Midwifery shall be conducted as follows:—

The Examinations in Medicine and also in its collateral Sciences, except in Cases in which it shall seem to the Council that the Examination in the collateral Sciences has been otherwise complied with, shall be conducted at the Royal College of Physicians by a Board consisting of Examiners, of whom *One Half* shall be appointed by the Royal College of Physicians of London, and shall be duly registered as Physicians, and *One Half* by the Master Wardens and Society of Apothecaries of the City of London who shall be Persons duly registered as Surgeons and Practitioners in Medicine and Midwifery:

The Examiners constituting this Board shall have an equal Voice in the Conduct of the Examinations and other Proceedings of the Board. There shall be no Apportionment of the Subjects of Examination between the several Examiners, unless with the express Consent of every individual Examiner, but every Examiner shall be entitled to examine on each and every Subject of Examination:

The Chairman of this Board shall be One of the Examiners appointed by the Royal College of Physicians, and shall be elected by a Majority of Votes of all the Examiners present at the

the Meeting of the Board at which such Election shall take place:

The Chairman shall not be entitled to vote, except in the event of the Votes of the other Members of the Board being equally divided, in which Case the Chairman shall have a Casting Vote:

The Examinations in Surgery and also in its collateral Sciences, except in Cases in which it shall seem to the Council that the Examination in the collateral Sciences has been otherwise complied with, shall be conducted by the Court of Examiners of the Royal College of Surgeons of England:

The Examinations in Midwifery shall be conducted at the Royal College of Surgeons of England, by a Board consisting of Examiners, of whom *One Third* shall be appointed by the Royal College of Physicians, *One Third* by the Royal College of Surgeons of England, and the remaining *Third* by the Master, Wardens, and Society of Apothecaries of the City of London, and of a Chairman, who shall be appointed by the Council of the Royal College of Surgeons of England, and shall be One of the Vice-Presidents or other Member of the Council of the said College: The Examiners of this Board shall have an equal Voice in the Conduct of the Examinations and the other Proceedings of the Board:

In Scotland the Examinations in all the Subjects above named shall be *Three* in Number; viz., One in Medicine and its collateral Sciences, One in Surgery and its collateral Sciences, One in Medicine and its collateral Sciences, and One in Midwifery; these shall be conducted by the Royal College of Physicians of Scotland, the Royal College of Surgeons of Edinburgh, and the Faculty of Physicians and Surgeons of Glasgow; that is to say, in Edinburgh, by the Royal College of Physicians of Scotland and the Royal College of Surgeons of Edinburgh; and in Glasgow, by the Royal College of Physicians of Scotland and the said Faculty, conducted either separately before Examiners appointed by each Body, or before a joint Board of Examiners, to be appointed by each Body separately or conjointly, who shall be appointed in such Number, Manner, and Form, and shall hold their Examinations at such Times and Places, as such Bodies shall, with the Approval of the Medical Council, agree from Time to Time among themselves, or as shall be determined by the Medical Council with respect to any Point in which they shall not be agreed; and where there shall be separate Examinations before Examiners appointed by each Body, the Subjects and Fees of Examination shall be divided among such Bodies as they shall from Time to Time agree among themselves, or as the Medical Council from Time to Time shall determine with respect to any Subject on which they shall not be agreed: Provided always, that it shall be lawful for the Council to

dispense with the Examination in the Sciences collateral to Medicine and Surgery, when it shall seem to the Council that they have otherwise been complied with.

In Ireland the Examinations to be made shall be *Three* in Number; One in Medicine and its collateral Sciences, One in Surgery and its collateral Sciences, and One in Midwifery: The Examinations in Medicine shall be conducted by the Royal College of Physicians in Ireland, the Examinations in Surgery by the Royal College of Surgeons in Ireland, the Examinations in Midwifery by the Colleges of Physicians and Surgeons in Ireland; and the said Examinations may be conducted by each of the said Colleges separately before Examiners appointed by each of them respectively, or before a joint Board of Examiners, to be appointed by each of the said Colleges separately or conjointly, who shall be appointed in such Number, Manner, and Form, and shall hold the Examinations at such Time and Place, as such Bodies shall, with the Approval of the Branch Council, agree from Time to Time among themselves, or as shall be determined by the Branch Council with respect to any Point in which they shall not be agreed; and when there shall be separate Examinations before Examiners appointed by each Body, the Subjects and Fees of Examination shall be divided between the said Colleges as they shall from Time to Time agree among themselves, or as the Branch Council shall from Time to Time determine with respect to any Subject on which they shall not be agreed: Provided always, that it shall be lawful to the Council to dispense with the Examination in the Sciences collateral to Medicine and Surgery, when it shall appear that they have been otherwise complied with:

All Persons who shall have successfully passed the said Examinations in Medicine and its collateral Sciences, in Surgery and its collateral Sciences, and in Midwifery, and shall have been enrolled as Members of the Royal College of Surgeons of England, the Royal College of Surgeons of Edinburgh, the Faculty of Glasgow, or the Royal College of Surgeons in Ireland, as the Case may be, shall thereupon and upon Proof of such Inrolment be registered as aforesaid in the Surgeons' Registers.

Registered Persons to belong to the Colleges of the Country in which they practise.

XXIII. Every Physician or Surgeon having been admitted as a Member or Licentiate of a College of Physicians or Surgeons, and every Surgeon admitted of the Faculty of Glasgow, who shall after the Period of *Two* Years from the Date of his Admission remove from that Part of the United Kingdom in which he had been so admitted, shall cause himself to be enrolled as a Member or Licentiate of the corresponding College or Faculty of that Part of the United Kingdom to which he shall so remove, and shall be entitled to be so admitted without further Examination on Payment of an Enrolment Fee, which shall not exceed the Admission Fee paid by those who

who have been examined and admitted by such College or Faculty, exclusive of the Fees paid for Examinations; and every Physician and Surgeon who shall not within *Three* Months after such Removal cause himself to be so enrolled shall be struck off the Register, and shall not be restored until he shall have been so enrolled, and shall have paid to the Treasurer of the Branch Council such Penalty as the Branch Council shall think fit, not exceeding *Five Pounds* for each Calendar Month during which he shall have been so in default.

Names struck off from List of College may be erased from Register.

XXIV. If any of the said Colleges or the said Faculty of Glasgow at any Time exercise any Power they possess by Law of striking off from the List of such College or Faculty the Name of any One of their Members or Licentiates, such College or Faculty shall signify the same to the Branch Council for the Division of the United Kingdom in which such Person so struck off is registered, and the Branch Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register: Provided always, that the Name of no Person shall be erased from the Register on the Ground of his Adoption of any Theory in the Practice of Medicine or Surgery.

Medical Practitioners convicted of Felony may be struck off the Register.

XXV. If any Person registered as a Physician or Surgeon shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, the Branch Council shall direct the Registrar to erase the Name of such Medical Practitioner from the Register: Provided always, that it shall be lawful for the Branch Council at any future Time to direct that the Name of any Person so convicted as aforesaid shall be replaced upon the Register.

Uniformity of Qualifications.

XXVI. The said several Colleges and the Faculty of Glasgow shall from Time to Time, when required by the General Council, prepare and lay before the General Council a Scheme of the Course of Study and Particulars of the Examinations to be gone through, and of the Fees to be taken for such Examinations, by all Persons applying to such Colleges or Faculty respectively for Letters Testimonial as Physicians or Surgeons; and the General Council shall be empowered to fix a minimum Fee for such Examinations, and shall make from Time to Time such Changes in any of the Schemes so laid before them as to them shall seem expedient; and the General Council shall secure, as far as is practicable, that the Qualifications for the said Testimonials shall be uniform, according to the Nature thereof, throughout the United Kingdom.

For securing Efficiency in Examination.

XXVII. It shall be lawful for any Person or Persons deputed by the General Council to attend Examinations on Medicine or Surgery, being

being Physicians if deputed to a College of Physicians, and being Surgeons if deputed to a College of Surgeons or the said Faculty of Glasgow, to be present at any of the Examinations held by any of the said Colleges or by the said Faculty for the Purpose of granting Letters Testimonial; and if the General Council shall be of opinion that the Regulations prescribed by them for the Examination and Grant of Letters Testimonial shall have been infringed, evaded, or neglected by any of the said Colleges, or by the said Faculty, it shall be lawful for the General Council to notify the same to the Medical Registrar of that Part of the United Kingdom to which the said College or Faculty belongs, and no Person shall be registered upon the Testimonials of the College or the said Faculty so in default until the same be amended to the Satisfaction of the General Council.

Accounts to be published.

XXVIII. The Treasurers of the Branch or General Councils shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by them received and paid, and such Accounts shall be submitted by them to the respective Branch Councils and to the General Council at such Times as the Councils shall require, and the said Accounts shall be published annually.

Pharmacopœia.

XXIX. The General Council shall cause to be published under their Direction and Authority, by the Colleges of Physicians of England, Scotland, and Ireland, a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the General Council shall think fit, to be called "The British Pharmacopœia;" and the General Council shall cause such Pharmacopœia to be altered and amended by the said Colleges as often as they shall deem it necessary.

Privileges of registered Persons.

XXX. Every Person registered under this Act, not being a Physician, shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical and Surgical Aid, Advice, Visits, and Medicine rendered or supplied by him to his own Patients.

None but registered Persons to recover Charges.

XXXI. After the *passing of this Act* no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine prescribed, administered, or supplied by him to his own Patients, unless he shall prove upon the Trial that he is registered under this Act.

XXXII. After

Persons not registered incapable of holding Appointments.

XXXII. After the *passing of this Act* no Person who is not registered under this Act shall be deemed to be a legally or duly qualified Physician, Surgeon, or Medical Practitioner within the Meaning of any Charter or Act of Parliament, or to any Intent or Purpose whatsoever, or shall be capable of holding any Office or Appointment, either by direct or indirect Terms, confined to legally qualified Medical Practitioners.

Penalty for falsely pretending to be a registered Person.

XXXIII. Every Person not registered under this Act who shall wilfully and falsely pretend to be, or take or use any Name, Title, Admission, or Description implying that he is registered under this Act, shall, on being summarily convicted of every such Offence before any *Two* Justices of the Peace for the County, City, or Place where the Offence was committed, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*, to be recoverable as herein-after described.

How Penalties are to be recovered.

XXXIV. Any *Two* Justices of the Peace acting in and for the County, City, or Place in which the Offence has been committed, may hear and determine any Complaint made under the next preceding Clause, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence; and in every Case of the Adjudication of a pecuniary Penalty and of Nonpayment thereof, it shall be lawful for the said Justices to commit the Offender to any Gaol or House of Correction within his Jurisdiction, for a Term not exceeding *Six* Calendar Months, the Imprisonment to cease on Payment of the Sum due.

Penalty for obtaining Registration by false Representations.

XXXV. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall, upon being convicted thereof, be adjudged guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence.

Registered Persons exempted from serving on Juries, &c.

XXXVI. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Provision for Persons practising in the Colonies and elsewhere, and for Students.

XXXVII. It shall be lawful for the General Council to make Regulations for dispensing with such Provisions of this Act as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than Great Britain and Ireland by virtue of any Degree in Medicine from any English, Irish, or Scotch University, or by virtue of any Diploma or Licence from any of the Corporate Bodies enumerated in Schedule (C.); and also in favour of Persons practising Medicine or Surgery within the United Kingdom on foreign or colonial Diplomas or Degrees before the *passing of this Act*; and also in favour of any Persons now acting as Surgeons or Assistant Surgeons in the Army, Navy, Militia, or in the Service of the Honourable East India Company, and also, so far as to the Council shall seem expedient, in favour of Medical Students who shall have commenced their professional Studies before the *passing of this Act*.

New Charter may be granted to the College of Physicians of London.

XXXVIII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of London a New Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of England," and to make such Alterations in the Constitution of the same Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King Henry the Eighth, and shall also operate as a Surrender of such Charter, and shall also operate as a complete Surrender of any Rights, Powers, or Privileges, conferred by or enjoyed under an Act of the Session holden in the Fourteenth and Fifteenth Years of King Henry the Eighth, Chapter Five, confirming the same as far as such Charter and Act respectively, may be inconsistent with such new Charter.

New Charter may be granted to College of Physicians of Edinburgh.

XXXIX. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of Edinburgh a new Charter, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of Scotland," and it shall be lawful for the said Royal College of Physicians, under their Common Seal, to accept such new Charter, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation:

New Charter may be given amalgamating the College of Surgeons at Edinburgh

And further, although, as has been provided in this Act, for the present the Royal College of Surgeons of Edinburgh and the Faculty of Physicians and Surgeons of Glasgow shall continue separate Bodies, exercising in conjunction with the Royal College of Physicians of Scotland separate and independent Powers of granting the Licence for

for General Practice; yet if at any future Period the said Royal College and Faculty agree to amalgamate, so as to form One united Corporation, under the Name of "The Royal College of Surgeons of Scotland," it shall be lawful for Her Majesty to grant, and for such College and Faculty to accept, such new Charter or Charters as may be necessary for effecting such Union under their respective Common Seals, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to such College and Faculty; and in the event of such Union it shall be competent for the said Royal College and Faculty to make such Arrangements as to the Time and Place of their Examinations as they may agree upon, these Arrangements being in conformity with the Provisions of this Act, and subject to the Approval of the General Council.

with the Faculty at Glasgow.

XL. It shall be lawful for Her Majesty to grant to the Corporation of the King and Queen's College of Physicians in Ireland a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of Ireland," and to make such Alterations in the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of the Charter granted by King William and Queen Mary, so far as it may be inconsistent with such new Charter.

New Charter may be granted to the King and Queen's College of Physicians in Ireland.

XLI. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any new Restriction in the Practice of Physic or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the Common Law of the Land or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted, further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act in the Constitution of such Corporation.

Charters not to contain New Restrictions in the Practice of Physic or Surgery.

XLII. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists.

Chemists, &c., not to be affected.

XLIII. Nothing in this Act contained shall interfere with the Rights, Privileges, or Employment of duly licensed Apothecaries in Ireland, so far as the same extend to selling, compounding, or dispensing Medicines.

Privileges of Apothecaries in Ireland not to be interfered with.

SCHEDULES to which this Act refers.

SCHEDULE (A.) No. 1.

Of Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
3 H. 8. c. 11.	An Act for the appointing Physicians and Surgeons.	The whole.
5 H. 8. c. 6.	An Act concerning Surgeons to be discharged of Quests and other Things.	The whole.
32 H. 8. c. 40.	For Physicians and their Privilege	Sections 1 and 3.
32 H. 8. c. 42.	For Barbers and Surgeons.	The whole.
34 & 35 H. 8. c. 8.	A Bill that Persons, being no common Surgeons, may minister Medicines notwithstanding the Statute.	The whole.
1 M. sess. 2. c. 9.	An Act touching the Corporation of the Physicians in London.	Sections 1, 2, 3, 4.
6 & 7 W. 3. c. 4.	An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries.	The whole.
55 G. 3. c. 194.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.	Sections 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.
6 G. 4. c. 50.	An Act for consolidating and amending the Laws relative to Jurors and Juries.	Section 2., so far as it exempts Members and Licentiates of Colleges of Physicians and Surgeons from serving on Juries or Inquests, and from being included in Jury Lists.
13 & 14 Vict. c. 20. (Local & Personal.)	An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of Glasgow, and amending their Charter of Incorporation.	Section 3.

SCHEDULE (C.) No. 1.

LIST of CORPORATIONS whose Diplomas and Licences shall entitle the Persons holding them to be registered as Physicians prior to the First Day of December 1857.

The Royal College of Physicians of London.
The Royal College of Physicians of Edinburgh.
The King's and Queen's College of Physicians in Ireland.
The Archbishop of Canterbury.

SCHEDULE (C.) No. 2.

LIST of CORPORATIONS whose Diplomas and Licences shall entitle the Persons holding them to be registered as Surgeons prior to the First Day of December 1857.

The Royal College of Surgeons of England.
The Royal College of Surgeons of Edinburgh.
The Faculty of Physicians and Surgeons of Glasgow.
The Royal College of Surgeons in Ireland.
The Society of Apothecaries in London.
The University of Dublin.

SCHEDULE (D.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in practice as a Medical Practitioner in England or Wales before the First Day of August 1815:

To the Registrar of the Medical Council.

I, residing at in the County of hereby declare that I was practising as a Medical Practitioner at in the County of before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185 .

SCHEDULE (E.)

The MEDICAL REGISTER, consisting of the Names and Places of Residence and Qualifications of all Persons legally qualified to practise Medicine and Surgery in the Year 185 .

I. ENGLAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications entitling Party to be registered.	Other Medical or Surgical Degrees, Diplomas, or Letters Testimonial.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications entitling Party to be registered.	Other Medical or Surgical Degrees, Diplomas, or Letters Testimonial.

II. SCOTLAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications entitling Party to be registered.	Other Medical or Surgical Degrees, Diplomas, or Letters Testimonial.

Surgeons

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications entitling Party to be registered.	Other Medical or Surgical Degrees, Diplomas, or Letters Testimonial.

III. IRELAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications entitling Party to be registered.	Other Medical or Surgical Degrees, Diplomas, or Letters Testimonial.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications entitling Party to be registered.	Other Medical or Surgical Degrees, Diplomas, or Letters Testimonial.

SCHEDULE (F.)

Certificate of Approval from Examiners in General Education.

This is to certify, That [*Name of Candidate examined*] has been carefully examined by us, the Examiners in [*England*] in General Education, after the Scheme approved of by the Medical Council, and has passed such Examination to our Satisfaction.

(Signed) [*Name of Examiner or Examiners.*]

Dated

A

BILL

To alter and amend the Laws regulating the Medical Profession.

(Prepared and brought in by Mr. Headlam, Sir William Heathcote, and Mr. Napier.)

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15 *May* 1857. 20 Vict. (Sess. 2.)

(No. 3.)

A

BILL

TO

Alter and amend the Laws regulating the Medical Profession.

WHEREAS it is expedient to amend the Laws relating to the Medical Profession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act 1857." Short Title.

II. From and after the *passing of this Act* the several Acts and Parts of Acts set forth in the Schedule (A.), to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, shall be repealed, except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the passing of this Act. Repeal of Acts.

Council of Medical Education established.

III. A Council shall be established, which shall be styled "The "Council of Medical Education of the United Kingdom," and shall consist of the President for the Time being of the General Board of Health, and such *Twelve* other Persons as Her Majesty, with the Advice of Her Privy Council, may appoint, of whom not less than *Nine* shall be appointed from among Persons qualified to be registered under this Act, not less than *Two* of them being Persons so qualified who are resident in Scotland, and not less than *Two* of them being Persons so qualified who are resident in Ireland.

Of the Persons to be so appointed by Her Majesty, Three shall be so appointed for a Term of *Four* Years, Three for a Term of *Five* Years, Three for a Term of *Six* Years, and the remaining Three for a Term of *Seven* Years.

The said Council of Medical Education is herein-after referred to as "The Council."

Appointments to supply Vacancies, and Term of Office of Persons so appointed.

IV. Upon every Vacancy among the Members of the Council appointed by Her Majesty under this Act, Her Majesty may, with the Advice of Her Privy Council, appoint a Person to fill such Vacancy.

Any Person going out of Office may be re-appointed.

Every Appointment on any such Vacancy shall be so made as to keep up the whole Number of Members of the Council qualified as aforesaid to not less than *Nine*, and the Number of such qualified Members resident in Scotland and Ireland respectively to not less than *Two*.

Every Member appointed by Her Majesty to fill a Vacancy occasioned by the Expiration of the Term of Office shall be appointed for the Term of *Four* Years, and every Member appointed to supply the Place of a Member whose Office has become void otherwise than by the Expiration of his Term of Office shall be appointed for the Remainder of the Term of Office of such last-mentioned Member.

The Council may act notwithstanding Vacancies therein.

Meetings of the Council.

V. The Council shall hold Meetings from Time to Time, at such Place and Time as the President of the General Board of Health shall appoint, and all Powers and Duties vested in the Council may be exercised and performed at any such Meeting at which not less than *Five* Members are present.

Quorum.

Chairman.

VI. The said President shall be the Chairman, and shall from Time to Time nominate One of the other Members to be the Vice-Chairman of the Council, who shall act as Chairman in the Absence of such President; provided, that at any Meeting of the Council at which neither

neither the Chairman nor the Vice-Chairman is present, the Members present shall elect out of their Number a Chairman for the Occasion.

Questions how determined.

VII. At every Meeting of the Council all Questions shall be determined by the Majority of Votes of Members present and voting thereon, and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

Fees to Members of Council.

VIII. There shall be paid to the Members of the Council, except the President of the General Board of Health, such Remuneration and such reasonable travelling Expenses as shall from Time to Time be appointed or allowed by the Commissioners of Her Majesty's Treasury, out of any Moneys which may from Time to Time be provided by Parliament for that Purpose.

Committees may be appointed by Council.

IX. The Council shall have Power to appoint Committees of their own Body of such Number, not less than *Three*, as they may think fit, and to delegate to such Committee, either generally or in relation to any specified Part of the United Kingdom, such of the Powers and Duties vested in the Council as the Council may see fit, other than the Powers to make general Rules or Regulations as to the Course of Study or Examination; and any *Two* of the Members of any such Committee shall be competent to exercise and perform the Powers and Duties delegated to such Committee.

Members of Council resident in Scotland and Ireland to be Members of Committees for those Parts.

X. The Members of the Council resident in Scotland shall be appointed Members of every such Committee appointed for or in relation to Scotland, and the Members of such Council resident in Ireland shall be appointed Members of every such Committee appointed for or in relation to Ireland.

Boards of Examiners.

XI. For the Examination of Persons desirous of entering the Medical Profession after the *First Day of December One thousand eight hundred and fifty-seven*, there shall be established in England, Scotland, and Ireland respectively, Two Boards of Examiners, hereinafter called respectively the "Preliminary Board" and the "Professional Board."

Examiners in Preliminary and Professional Education.

The Preliminary Board shall be established for the preliminary Examination in general Education, and shall consist of such Persons as the Council may from Time to Time appoint, and the Examiners so appointed shall hold Office during the Pleasure of the Council, and receive such Remuneration as the Council shall direct; and no Person other than a Graduate in Arts of some University of the United Kingdom, or of some Foreign University approved by the Council, shall be entitled to present

himself for Examination before the Professional Board, unless he shall have received from the Preliminary Board a Certificate of Approval in such Form as the Council may direct, for which Certificate the Person receiving it shall pay such Fee as the Council shall appoint, not exceeding *Five Pounds.*

The Professional Board shall be established for the Examination in professional Education, and shall consist of Examiners appointed as herein-after mentioned; that is to say,

Bodies to appoint such Examiners.

The Board for England of Examiners to be appointed by the College of Physicians of London and by the College of Surgeons of England, and until the Year *One thousand eight hundred and sixty-five* by the Society of Apothecaries of London respectively; and of Examiners to be appointed by the Universities of Oxford, Cambridge, and London respectively.

The Board for Scotland of Examiners to be appointed by the College of Physicians of Edinburgh, by the College of Surgeons of Edinburgh, and by the Faculty of Physicians and Surgeons of Glasgow respectively; and of Examiners to be appointed by the Universities of Edinburgh and Glasgow respectively, and by the two Universities of Aberdeen conjointly.

The Board for Ireland of Examiners to be appointed by the College of Physicians of Ireland, by the College of Surgeons of Ireland, and until the Year *One thousand eight hundred and sixty-five* by the Governor and Company of the Apothecaries Hall of Dublin respectively; and of Examiners to be appointed by the University of Dublin and by the Queen's University respectively.

Any Person who shall have passed the Examination of the Professional Board to the Satisfaction of the Council shall be entitled to a Certificate of his Qualification to practise in such Form as the Council may direct, for which Certificate the Person receiving it shall pay such Fee as the Council shall from Time to Time appoint, not exceeding *Twenty-five Pounds;* and all Monies so received by any of the said Boards under the Provisions of this Section shall be paid to the Treasurer of the Council.

Number of Examiners are to be determined by the Council.

XII. The Council shall determine the total Number of Examiners to constitute the Professional Board for each Part of the United Kingdom, and may from Time to Time alter any such total Number and shall determine and may from Time to Time alter the Proportions in which the several appointing Bodies in the last Section preceding mentioned shall appoint the Examiners constituting any such Board, and the Branches of Science and Practice for which such several Bodies shall appoint.

XIII. The

Council to make Rules concerning Examinations.

XIII. The Council shall make from Time to Time such Rules as they think fit, as to the Age and Times at which Candidates shall be admissible to the respective Examinations under this Act, and as to the Subjects or Branches of Education, Science, and Practice in relation to which such Examinations shall be had, and as to the Degrees of Proficiency, and the Certificates of Character which they shall be required to produce, which Candidates shall be required to have attained in order to be entitled to Certificates from the respective Boards of Examiners, and as to the Course of Study which Candidates shall be required to have pursued previous to Admission to the professional Examination, and as to the Time, Place, and Manner of holding such respective Examinations, and as to such other Matters as are placed under the Direction of the Council by this Act; and all Rules to be made by the Council under this Act shall be laid before both Houses of Parliament within *One Month* after the making thereof, if Parliament be sitting, or if Parliament be not sitting, then within *One Month* after the next Meeting of Parliament.

Appointments annual, if omitted, to be made by the Council.

XIV. The several Examiners shall be appointed in each Year, at such Time as the Council shall direct, casual Vacancies shall be filled up by the Bodies having the Right of Appointment with all convenient Speed after the happening thereof, and every Examiner, whether appointed at the yearly Appointment or to supply a casual Vacancy, shall go out of Office at the next yearly Time of Appointment, but may be re-appointed: Provided always, that if at any Time any of the above-mentioned Bodies decline to appoint Examiners or fail to make such Appointment as aforesaid within a Period of *One Month* from the Time at which they are directed to make it, or from the Time at which any such casual Vacancy shall occur, the Council may appoint Examiners instead of those so omitted to be appointed, and the Examiners so appointed by the Council shall receive such Remuneration as the Council shall direct.

List of Examiners to be furnished

XV. The Bodies having Right of Appointment shall furnish to the Council within a Week of the Appointment of Examiners a List of the Examiners so appointed, and no Appointment of an Examiner shall be valid unless it be so notified to the Council.

Council may be present at Examinations.

XVI. The Members of the Council and any Person deputed by the Council, and any one registered under this Act, shall have free Access to all Examinations conducted by the Professional Boards.

New Charter may be granted to the College of Physicians of London.

XVII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of London a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of England," and to make such Alterations in the

the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King Henry the Eighth, and shall also operate as a Surrender of such Charter and as a Repeal of the Act of the Session holden in the Fourteenth and Fifteenth Years of King Henry the Eighth, Chapter Five, confirming the same so far as such Charter and Act respectively may be inconsistent with such new Charter.

New Charters may be granted to Colleges of Physicians and Surgeons of Edinburgh, so as to include the Faculty of Physicians and Surgeons of Glasgow.

XVIII. It shall be lawful for Her Majesty to grant to the respective Corporations of the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinburgh new Charters, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of Scotland," and to the said College of Surgeons the Name of "The Royal College of Surgeons of Scotland," and to make such Alterations in the Constitution of the said Corporations as to Her Majesty may seem expedient, such new Charters to constitute or provide for constituting every Member of the Corporation of the Faculty of Physicians and Surgeons of Glasgow a Member either of such College of Physicians of Scotland or of such College of Surgeons of Scotland, with the same Rights, Privileges, and Advantages as shall be given to Members of the said College of Physicians and Surgeons of Edinburgh respectively; and it shall be lawful for the said Colleges and Faculty respectively, under their respective Common Seals, to accept such new Charters, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said several Corporations, and thenceforth the Examiners who would have been appointed from Time to Time under this Act by the Faculty of Physicians and Surgeons of Glasgow shall be appointed in equal Proportions by the said College of Physicians of Scotland and College of Surgeons of Scotland.

Charters not to contain Restrictions in the Practice of Physic or Surgery.

XIX. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any Restriction in the Practice of Physic or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the common Law of the Land, or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act to the Constitution of such Corporation.

Appointment of Registrar,

XX. The President of the Board of Health shall from Time to Time appoint from among Persons qualified to be registered under this

this Act, a Medical Registrar for the United Kingdom, and One Assistant Medical Registrar for Scotland, and One Assistant Medical Registrar for Ireland, and also shall appoint a Treasurer, and such Clerks and other Officers as the said President of the Board of Health may deem necessary, and may from Time to Time remove any Registrar or other Person so appointed; and the Salaries of the said Registrar, Assistant Registrars, Clerks, and other Officers shall be fixed from Time to Time by the said President of the Board of Health, with the Approval of the Commissioners of Her Majesty's Treasury, and shall be paid, together with all reasonable Expenses incurred by the Medical Registrar in the Execution of his Duties under this Act, out of any Moneys which may from Time to Time be provided by Parliament for that Purpose.

Assistant Registrars, and other Officers.

XXI. The said Registrar shall keep a General Register of Medical Practitioners, in which shall be entered the Name and Place of Residence and Date of Registration of every registered Person, and the Qualification or Qualifications in respect whereof he is registered; the Name and Situation of the Body, University, or College from which the Qualification is derived; and such other Particulars in relation to such Qualification or Qualifications as the Council by their Rules shall from Time to Time direct; and upon Notice being given by any registered Person of any Change in his Name and Designation or Place of Residence, the said Registrar shall amend the Register accordingly.

Registrar to keep an alphabetical Register of Medical Practitioners.

XXII. Every Person who before the *First Day of December One thousand eight hundred and fifty-seven* is possessed of any one or more of the Qualifications described in the Schedule (B.) shall be entitled to be registered according to his Qualification or Qualifications, on producing, before the *First Day of January One thousand eight hundred and fifty-eight* to the Medical Registrar, or to the Assistant Medical Registrars in Scotland or Ireland, the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered; or if he be a Person who was actually practising Medicine in England and Wales prior to the *First Day of August One thousand eight hundred and fifteen*, on signing a Declaration according to the Form in Schedule (C.), or upon transmitting, before the said *First Day of January One thousand eight hundred and fifty-eight*, by Post, to the Medical Registrar or One of such Assistant Medical Registrars Information of his Name and Address, and of the Qualification or Qualifications, including such Declaration as aforesaid, in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several Colleges and

Registration of Persons in Practice before the 1st December 1857.

other Bodies mentioned in the said Schedule (B.) to transmit to the said Registrar before the said *First Day of January One thousand eight hundred and fifty-eight* Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively before the said *First Day of December One thousand eight hundred and fifty-seven* are entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon to enter on the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein stated, without other Application in relation thereto; provided also, that any Person possessed before the said *First Day of December One thousand eight hundred and fifty-seven* of any such Qualification as aforesaid, who does not make Application as aforesaid to be registered before the *First Day of January One thousand eight hundred and fifty-eight*, and who has not been included in any List transmitted as aforesaid, shall upon such Production or Transmission by him as herein-before mentioned be entitled, upon Payment of a Sum of *Two Pounds*, to be registered according to his Qualification or Qualifications.

As to Registration by Assistant Registrars.

XXIII. Where any Person entitled to be registered under this Act applies to either of the Assistant Medical Registrars for that Purpose, such Assistant Registrar shall forthwith enter in a Local Register to be kept by him for that Purpose the like Particulars in relation to such Persons as are herein-before required to be entered in the General Register, and shall with all convenient Speed send to the Medical Registrar a Copy, certified under the Hand of such Assistant Registrar, of the Entry so made, and the Medical Registrar shall forthwith cause the same to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

Evidence of Qualification to be given before Registration.

XXIV. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered Name, unless the Medical Registrar or the Assistant Medical Registrar, as the Case may be, be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar or Assistant Registrar may be decided by the Council, or by the several Committees of the Council appointed to act for this Purpose in England, Scotland, and Ireland respectively; and any Entry which shall be proved to the Satisfaction of such Council or Committees of the Council to have been fraudulently or incorrectly made, may be erased from the Register by Order in Writing of such Council or Committees of the Council.

XXV. The

Register to be published.

XXV. The Registrar shall in every Year cause to be printed, published, and sold, under the Direction of the Council, a correct Register, in Alphabetical Order according to the Surnames in the Form in Schedule (D.), of the Names, Places of Residence, and other Particulars herein-before required of all Persons appearing on the General Register as existing on the *First Day of January* in every Year; and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy under the Hand of the Medical or Assistant Medical Registrar of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

Certificate from Medical Examiners to entitle to Registration as a "Licentiate in Medicine and Surgery."

XXVI. Every Person who shall receive a Certificate of his Qualification to practise under the Provisions of this Act shall be entitled to be registered in the Register of Medical Practitioners as a "Licentiate in Medicine and Surgery," upon the Production of such Certificate to the Medical Registrar or to One of the said Assistant Medical Registrars.

Rights of Persons registered under Qualifications existing before 1st December 1856.

XXVII. Every Person registered in respect of any Qualification possessed by him before the *First Day of December One thousand eight hundred and fifty-seven* shall be entitled in every Part of the United Kingdom to practise according to the Nature of his Qualification.

Right of Licentiate in Medicine and Surgery.

XXVIII. Every Person registered as a Licentiate in Medicine and Surgery shall have the Right to practise in Medicine, Surgery, Midwifery, and Pharmacy in every Part of the United Kingdom.

Right of existing Practitioners to be registered as Licentiates in Medicine and Surgery in certain Cases.

XXIX. Every Person entitled to be registered in respect of any Qualification as a Surgeon existing on or before the *First Day of December One thousand eight hundred and fifty-seven*, and also to be registered in respect of any Qualification then existing as an Apothecary, may, if he think fit, required to be registered as Licentiate in Medicine and Surgery.

Right conferred by Complementary Examination.

XXX. Every Person who before the *First Day of December One thousand eight hundred and fifty-seven* shall have been registered in respect

respect of One only of such Qualifications in the last preceding Section mentioned, and who shall have subsequently passed such Complementary Examination as the Council shall direct before any Professional Board, and have obtained such Complementary Certificate as the Council shall direct, for which he shall pay such Fee as the Council shall determine, not exceeding *Twelve Pounds*, shall be entitled to alter his Qualification in the Register to that of Licentiate in Medicine and Surgery.

Names struck off from List of College to be erased from Register.

XXXI. If any of the said Colleges or the said Faculty at any Time exercise any Power they possess by Law of striking off from the List of such College or Faculty the Name of any one of their Members, such College or Faculty shall signify to the Medical Registrar the Name of the Member so struck off; and the Medical Registrar shall erase forthwith from the Register the Qualification derived from such College or Faculty in respect of which such Member was registered, and the Registrar shall note the same therein.

Medical Practitioners convicted of Felony may be struck off the Register.

XXXII. If any registered Medical Practitioner shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, the Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register.

No Right to Registration except such as conferred by this Act.

XXXIII. No Person not possessed before the said *First Day of December One thousand eight hundred and fifty-seven* of One or more of the Qualifications mentioned in Schedule (B.) shall be entitled to be registered under this Act unless he shall produce the Certificate herein-before required to entitle him to be registered under this Act as a Licentiate in Medicine and Surgery.

Registered Persons may have subsequent Qualifications inserted in the Register.

XXXIV. Every Person registered under this Act who may at any Time have obtained the Degree of Bachelor of Medicine or Doctor of Medicine in any University of the United Kingdom, or become a Fellow or Licentiate of a College of Physicians of the United Kingdom, or a Fellow of a College of Surgeons of the United Kingdom, or a Fellow of the Faculty of Physicians and Surgeons of Glasgow, shall be entitled to have such additional Qualification inserted in the Register.

Unregistered Persons not to hold certain Appointments.

XXXV. After the *First Day of January One thousand eight hundred and fifty-eight*, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary,

Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act.

No Certificate to be valid unless Person signing be registered.

XXXVI. After the *First Day of January One thousand eight hundred and fifty-eight* no Certificate required by any Act now in force or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner shall be valid unless the Person signing the same be registered under this Act.

Application of Monies received by Treasurer.

XXXVII. All Monies received by the Treasurer arising from Fees to be paid on Examination, and on Registration from the Sale of Registers, from Penalties, or otherwise, shall be applied as follows:

1st. For such Expenses of Registration and of the Execution of this Act as are not otherwise provided for.

2d. For the Payment of the several Examiners appointed by the Council.

3d. For Division among the several Bodies appointing the Examiners of the Professional Boards, in such Proportion as the Council, having reference to the Number and Employment of Examiners by such Bodies respectively appointed, shall from Time to Time determine.

4th. For Payment in such Proportion as the Council shall from Time to Time determine, in aid of the Museums or other scientific and professional Objects of the several Royal Colleges of Physicians or Surgeons, and of the Faculty of Physicians and Surgeons of Glasgow.

Advance of Monies by the Commissioners of Her Majesty's Treasury.

XXXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to advance and pay, out of such Monies as may be provided by Parliament for this Purpose, such Monies as may be required for the Expenses incurred by or under the Authority of the Council in the execution of this Act in the meantime, until sufficient Money for that Purpose shall be received from the Fees payable under this Act.

Accounts to be published.

XXXIX. The Treasurer of the Medical Council shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by him received and paid, and such Accounts shall, in the Months of June and December in every Year, be submitted by him to the Medical Council; and if the said Accounts be found to be

correct, the President shall sign the same, and they shall be laid before both Houses of Parliament in the Month of January in every Year if Parliament be sitting, or if Parliament be not sitting, then within *One Month* after the next Meeting of Parliament.

Pharmacopœia.

XL. The Medical Council shall cause to be published under their Direction and Authority a Book containing a list of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the Medical Council shall think fit, to be called "British Pharmacopœia;" and the Medical Council shall alter, amend, and cause to be republished such Pharmacopœia as often as they shall deem it necessary.

Privileges of registered Persons.

XLI. Every Person registered under this Act shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical and Surgical Aid, Advice, Visits, and Medicine rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XLII. After the said *First Day of January One thousand eight hundred and fifty-eight*, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine prescribed, administered, or supplied by him, unless he shall prove upon the Trial that he is registered under this Act.

Interpretation of Words.

XLIII. After the *First Day of January One thousand eight hundred and fifty-eight* the Words "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Wilful Falsification of Register.

XLIV. Any Medical or Assistant Medical Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor in England or Ireland, and in Scotland of a Crime or Offence, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding *Twelve* Months.

Penalty for falsely pretending to be a registered Person.

XLV. Every Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, or Apothecary, or any Name, Title, Addition, or Description implying that

that he is registered under this Act, or that he is recognized by Law as a Licentiate in Medicine and Surgery, Physician, or Surgeon, or Apothecary, or a Practitioner in Medicine, shall on being summarily convicted of every such Offence before any Two Justices of the Peace for the County, City, or Place, or in Scotland before a Sheriff of the County or before the Justice of the Peace Court for the District in which the Offence was committed, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*, to be recoverable as herein-after described, together with all Costs.

How Penalties are to be recovered.

XLVI. Any Two Justices of the Peace acting in and for the County, City, or Place, or in Scotland, a Sheriff of the County, or the Justice of Peace Court for the District in which the Offence has been committed, may hear and determine any Complaint made under the next preceding Clause, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence; and in every Case of the Adjudication of a pecuniary Penalty and of Nonpayment thereof, it shall be lawful for the said Justices, or in Scotland, for the said Sheriff or Justice of Peace Court, to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not exceeding *Six* Calendar Months, the Imprisonment to cease on Payment of the Sum due.

Penalty for obtaining Registration by false Representations.

XLVII. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding *Twelve* Months.

Application of Penalties.

XLVIII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the Medical Council.

Registered Persons exempted from serving on Juries, &c.

XLIX. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Provision for Persons practising in the Colonies and for Students.

L. It shall be lawful for the Medical Council to make Regulations for dispensing with such Provisions of this Act as to them shall seem fit, in favour of Persons now practising Medicine or Surgery out of the United Kingdom, by virtue of any of the Qualifications enumerated in Schedule (B.); and also in favour of Persons who after due Examination shall have obtained any Foreign or Colonial Diploma or Degree which, in the Country where such Diploma or Degree has been granted, would entitle the Holder to practise Medicine or Surgery; or in favour of such Foreign Medical Practitioners as may at the Time of the passing of this Act be holding any Medical Appointment in any Hospital or Public Institution; and also in favour of any Surgeons or Assistant Surgeons in the Army, Navy, or Militia; and also in favour of Medical Students who shall have commenced their professional Studies before the *passing of this Act.*

Notice of Death of Medical Practitioners to be given by Registrars.

LI. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Medical Registrar a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Chemists, &c. not to be affected.

LII. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Of Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
3 H. 8. c. 11.	An Act for the appointing Physicians and Surgeons.	The whole.
5 H. 8. c. 6.	An Act concerning Surgeons to be discharged of Quests and other Things.	The whole.
32 H. 8. c. 40.	For Physicians and their Privilege.	Sections 1 and 3.
32 H. 8. c. 40.	For Barbers and Surgeons.	The whole.
34 & 35 H. 8. c. 8.	A Bill that Persons, being no common Surgeons, may minister Medicines notwithstanding the Statute.	The whole.
1 M. sess. 2. c. 9.	An Act touching the Corporation of the Physicians in London.	The whole.
6 & 7 W. 3. c. 4.	An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries.	The whole.
18 G. 2. c. 15.	An Act for making the Surgeons of London and the Barbers of London Two separate and distinct Corporations.	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.
55 G. 3. c. 194.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.	Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.
6 G. 4. c. 50.	An Act for consolidating and amending the Laws relative to Jurors and Juries.	So much of Section 2 as relates to the Exemption of Medical Practitioners.
13 & 14 Vict. c. 20. (Local & Personal.)	An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of Glasgow, and amending their Charter of Incorporation.	Section 3.

SCHEDULE (B).

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom.
11. Doctor of Medicine of any Foreign University, practising as a Physician in the United Kingdom at the Time of the passing of this Act, who shall produce Certificates of his having taken his Degree of Doctor of Medicine after regular Examination, and of having resided during a Period of not less than Two Years in some University previous to the taking of such Degree.

SCHEDULE (C.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in Practice as a Medical Practitioner before the First Day of August 1815 :—

To the Registrar of the Medical Council.

I, , residing at , in the County of , hereby declare that I was practising as a Medical Practitioner, at , in the County of , before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185

SCHE-

SCHEDULE (D.)

The MEDICAL REGISTER for the United Kingdom of Great Britain and Ireland, consisting of the Names and Places of Residence, with a Description of the Medical Titles or Qualifications, and the Dates thereof, of all Persons legally qualified to practise Medicine in the United Kingdom in the Year 18 .

ENGLAND.

Name.	Medical Title or Qualification.	Place of Residence.	Date of Registration.
A. A.	Doctor of Medicine of the University of London, 1851.	30, Brook Street, London.	Jan. 1, 1858.
B. A.	Licentiate of the Apothecaries Society of London, 1848; Member of the Royal College of Surgeons of England, 1848.	100, Headlam Sq., Newcastle.	,,
C. A.	Doctor of Medicine of the University of Cambridge, 1840; Fellow of the Royal College of Physicians of London, 1850.	20, Grosvenor Street, London.	,,
D. A.	Licentiate in Medicine and Surgery, 1857.	33, Cowper's Court, London.	,,

SCOTLAND.

A. A.	Doctor of Medicine of University of Glasgow, 1850.	11, Buchanan Street, Glasgow.	,,
B. A.	Licentiate in Medicine and Surgery, 1857; Fellow of the Royal College of Physicians, Edinburgh, 1858.	13, Elcho Place, Edinburgh.	,,
C. A.	Doctor of Medicine of University of Edinburgh, 1840; Fellow of Royal College of Surgeons, Edinburgh, 1846.	1, Craufurd Street, Ayr.	,,

IRELAND.

A. A.	Licentiate in Medicine and Surgery, 1857; Fellow of Royal College of Surgeons in Ireland, 1860.	3, Merrion Square, Dublin.	,,
B. A.	Licentiate of the Apothecaries' Hall -	4, Brady Street, Leitrim.	,,
C. A.	Doctor of Medicine of the University of Dublin.	10, Napier Street, Dublin.	,,

Medical Profession.

(No. 3.)

A

BILL

To alter and amend the Laws regulating the Medical Profession.

(Prepared and brought in by Lord Elcho, Mr. FitzRoy, and Mr. Craufurd.)

Ordered by the House of Commons, *to be Printed*, 15 *May* 1857.

Under 3 *oz*

[Bill 20.]

Medical and Surgical Sciences (Queen's University) (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Meeting of Ratepayers to be held on Requisition of Twenty-one Ratepayers; Sect. 1.

Meeting to be held after Ten Days Notice, and within Twenty-one Days after such Notice; 2.

Persons entitled to vote at such Meeting; 3.

Meeting to consider whether this Act be adopted, or appoint a Committee to report thereon to a future Meeting; 4.

Expenses of holding the Meeting, if Act adopted, to be paid out of Rates; if Act not adopted, to be paid by Requisitionists; 5.

How the Opinion of the Meeting is to be ascertained; 6.

Chairman of Meeting to provide Poll Clerks and Poll Books in case of voting; 7.

How the Poll is to be declared; 8.

If Act not adopted at the Expiration of Two Years a Meeting of Ratepayers may be again held; 9.

If Act adopted, Chairman of Meeting to certify same to Poor Law Commissioners within One Month, and Commissioners after One Week to issue Order declaring the Union an Hospital District for Purposes of this Act; 10.

Within One Month after such Order a Board of Managing Governors of Hospital District to be appointed; 11.

How Vacancies are to be filled up; 12.

One General Hospital to be provided; 13.

All Grand Jury Presentments to cease, except for Fever Hospitals. This Act not to apply to Workhouse Hospitals; 14.

All Property belonging to Hospitals under the Operation of this Act to vest in the Board of Managing Governors; 15.

Terms on which Patients from other Unions may be received; 16.

Students of Queen's Colleges admitted to the Clinical Lectures in such General Hospital; 17.

Medical Officers to give Courses of Clinical Lectures; 18.

Such reasonable Fees may be charged as the Lord Lieutenant may approve; 19.

Physicians and Surgeons of existing Hospitals to be affected by this Act to be the Physicians and Surgeons of the General Hospital; 20.

Certificate of Attendance on the Clinical Lectures of said General Hospital to be received by all Licensing Bodies; 21.

(Ireland.)

A

BILL

FOR

Securing the more effectual Promotion of the Medical and Surgical Sciences in the Queen's University in Ireland, by enabling the Rate-payers of the Unions of Cork, Belfast, and Galway respectively, to provide for the Enlargement and better Maintenance of certain Hospitals in the said Cities and Towns; and for the further Extension of the Provisions of the Act of the Eighth and Ninth Years of Her present Majesty, to endow new Colleges for the Advancement of Learning in Ireland.

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to enable Her Majesty to endow new Colleges "for the Advancement of Learning in Ireland;" and under the Provisions of the said Act Charters have been granted to those Colleges, called respectively the Queen's Colleges of Belfast, Cork, and Galway: And whereas, for the better Teaching of Medicine and Surgery in the said Colleges, it is expedient that the Medical Students thereof should, under certain Regulations, have access to Hospitals in the Cities and Towns where such Colleges are established, and attend Preamble.

the Practice of the said Hospitals and the Clinical Lectures to be delivered therein by the Medical Officers of such Hospitals: And whereas it is expedient, with the Consent of the Ratepayers of the Unions where the said Colleges are situated, that such Modifications should be effected in the Extent of Accommodation for Patients, and in other Arrangements of the said Hospitals, as may be requisite for the efficient Relief of the Sick Poor, and for the carrying out of the aforesaid educational Objects, and that sufficient Provision be made, by means of Rates raised and levied under the Provisions of the Laws for the Relief of the Destitute Poor in Ireland, for the Maintenance of such General Hospital or Hospitals, in order not only that ample Accommodation be provided therein for the Sick Poor, but also that the Certificates of Attendance on the Practice of the said Hospitals and the Clinical Lectures delivered therein shall, from the Number of Patients under Medical and Surgical Treatment in the said Hospital or Hospitals, be entitled to the Recognition of the several Medical and Surgical Licensing Bodies of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meeting of Ratepayers to be held on Requisition of Twenty-one Ratepayers.

I. Upon the Application of *Twenty-one* or more Ratepayers of either of the Three Poor Law Unions of Cork, Belfast, or Galway respectively, that this Act may be carried into execution in any of the said Cities or Towns of Cork, Belfast, or Galway respectively, and a Copy of the said Application being duly inserted in the *Dublin Gazette*, and in One or more Newspaper or Newspapers published in such City or Town to which the said Application refers, it shall be lawful for the Commissioners for Administering the Laws for the Relief of the Destitute Poor in Ireland to order and direct that the Chairman or Vice-Chairman of the Board of Guardians of the Union from which such Application comes shall convene a Meeting of the Ratepayers of the said Union, for the Purpose of considering the carrying this Act into execution, and the said Chairman or Vice-Chairman shall preside thereat: Provided always, that each such Ratepayer so applying that this Act may be carried into execution shall be the Occupier of a Dwelling House or of Lands, Tenements, or Hereditaments within such Union, and rated in respect thereof to the Relief of the Destitute Poor at the net annual Value of *Twelve Pounds* or upwards.

Meeting to be held after Ten Days Notice, and within

II. Such Meeting shall be holden at some convenient Place within such City or Town, and the said Chairman or Vice-Chairman, as the Case may be, shall, within *Ten* Days after the Receipt of such Order and Directions signified as aforesaid, appoint and notify a Place within the

the Town and a Time for holding such Meeting, which Time shall not be less than *Ten* Days nor more than *Twenty-one* Days from the Time of so notifying the same; and such Notification shall be made by affixing Notices by Handbills *Ten* Days before the Day of meeting, stating the Purpose and Object of the said Meeting, on the Outside of every Parish Church and Roman Catholic Chapel within the Union, and also by causing a Notice of the like Purport to be inserted twice in any Newspaper or Newspapers published within such City or Town.

Twenty-one Days after such Notice.

III. At any such Meeting convened as aforesaid, such Persons as are next herein-after mentioned shall be admitted and entitled to vote, and no other Person whatsoever; that is to say, every Person of full Age who is the immediate Lessor of Lands, Tenements, and Hereditaments within such Union of the Value of *Fifty* Pounds or upwards, according to the last Poor Law Valuation; also every Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor (rated for such Tenements to the Relief of the Poor) of any Lands, Tenements, and Hereditaments within such Union, and shall have been rated in respect to such Premises for the Period of *Twelve* Months preceding, under the Acts for the Relief of the Destitute Poor in Ireland, as Occupier of such Lands, Tenements, or Hereditaments, at a net annual Value of *Twelve* Pounds or upwards, such Right of voting to be evidenced by the Rate Book of the Union, which the Clerk of the Union is hereby required to produce at such Meeting; and if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting of any Person claiming to vote or to be qualified, such Controversy shall be determined by the Person or Persons, as the Case may be, presiding at such Meeting, by reference to the Rate Book, which the Clerk of the Union is hereby required to produce at such Meeting.

Persons entitled to vote at such Meeting.

IV. Such Meeting, after having had this Act laid before them, together with a Copy of such Application and such Order as aforesaid, shall proceed to consider and determine whether this Act shall be adopted and carried into execution within such Union, or shall appoint a Committee of their own Number, not exceeding *Nine*, to inquire and report to some future Meeting, to be held on such Day as shall be appointed by such Meeting, and such future Meeting shall, upon receiving the Report of such Committee, proceed in all Respects in the Manner herein-before directed for such Meeting.

Meeting to consider whether this Act be adopted, or appoint a Committee to report thereon to a future Meeting.

V. If the Provisions of this Act shall be adopted, all the Expenses incurred in relation to calling the First Meeting, making Lists of qualified Occupiers, if such be necessary, and otherwise in relation to carrying

Expenses of holding the Meeting, if Act adopted, to be paid out of Rates;

if Act not adopted, to be paid by Requisitionists.

carrying this Act into execution, shall be defrayed out of the Poor Rates of the Union as a General Union Charge; and in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, then the whole of the Expenses shall be borne by the Persons signing the Application for holding such Meeting.

How the Opinion of the Meeting is to be ascertained.

VI. The Person presiding at such Meeting shall ascertain the Determination thereof by Show of Hands, or in such other Manner as shall appear to him expedient, and, if necessary, shall appoint Two such Ratepayers qualified as aforesaid to act as Tellers, to ascertain and enumerate the Votes of qualified Persons assenting to or dissenting from the Adoption of this Act, and such Tellers shall report the Result of their Scrutiny to such Person presiding at such Meeting, who shall declare the same; and in case no Poll shall be demanded as herein-after provided, any Resolution to adopt the Provisions of this Act shall be effectual if carried by a Majority of Persons qualified for voting as aforesaid: Provided always, that if a Poll shall be demanded as aforesaid at such Meeting in Writing, signed by *Ten* Persons qualified to vote at such Meeting, it shall then be lawful for the Person presiding at such Meeting, and he is hereby required, to direct the Poll so demanded to be proceeded with at such Polling Place or Places and within such Period as he shall determine, such Period not to exceed *Two* clear lawful Days from the Day of such Meeting; and no Poll authorized by this Act to be taken shall be left open for more than *One Day*, and the Polling shall commence at the Place or Places intimated at Nine o'Clock of the Forenoon and close at Four o'Clock of the Afternoon of the Day that shall be named.

Chairman of Meeting to provide Poll Clerks and Poll Books in case of voting.

VII. Such Chairman or Deputy Chairman, as the Case may be, shall direct the necessary Number of Poll Clerks to be appointed and of Poll Books to be prepared, in which Books shall be inserted by such Clerks the Name of the Voter and the Manner in which he votes.

How the Poll is to be declared.

VIII. As soon after the Close of the Poll as may be the Poll Clerks shall transmit the State of the respective Polls to the Chairman or Vice-Chairman, as the Case may be, who shall sum up the same, and openly declare the Result of the Total Poll at an adjourned Meeting to be held on the next lawful Day; and any Resolution to adopt the Provisions of this Act shall be effectual if carried by a Majority of the Persons qualified and voting as aforesaid.

If Act not adopted at the Expira-

IX. Where any of the said Unions shall have resolved not to adopt the Provisions of this Act, the Ratepayers and Occupiers aforesaid may

may again, after the Expiration of *Two* Years from the Date of the Adoption of such Resolution, make Application in the same Form and Manner as aforesaid, and subject to the same Conditions, Provisoes, and Qualifications as aforesaid in respect to the First Application and to the First Meeting and voting, and so on every successive *Two* Years, until the said Resolution to adopt the Provisions of this Act be agreed to.

tion of Two Years, a Meeting of Ratepayers may be again held.

X. Within *One Month* after the Resolution to adopt the Provisions of this Act is agreed to, such Resolution shall be certified by the Chairman presiding at the Meeting to the Commissioners for Administering the Laws for the Relief of the Poor in Ireland, and the said Resolution shall by the said Commissioners be published in the *Dublin Gazette*, and within *One Week* after the Publication aforesaid it shall and may be lawful for the Commissioners for Administering the Laws for the Relief of the Poor in Ireland to issue an Order under their Seal to the Guardians of the said Union where the Resolution was agreed to, declaring such Union to be an Hospital District for the Purpose of this Act.

If Act adopted, Chairman of Meeting to certify same to Poor Law Commissioners within One Month, and Commissioners after One Week to issue Order declaring the Union an Hospital District for Purposes of this Act.

XI. Within *One Month* after the Receipt of the said Order the Guardians of such Union shall elect *Nine* Members of their Board, who, together with their Chairman, Vice-Chairman, and Deputy Vice-Chairman, and together with *Twelve* Persons jointly elected within the same Period from the united Number of Trustees and Governors of the existing Hospitals which will come within the Provisions of this Act, shall be the Board of Managing Governors of the said Hospital District.

Within One Month after such Order a Board of Managing Governors of Hospital District to be appointed.

XII. Whenever a Vacancy occurs in the Number of Managing Governors elected by the Board of Guardians, such Vacancy shall be filled by a Poor Law Guardian of Union, to be elected by the said Board of Guardians; and whenever a Vacancy occurs amongst those elected from the Trustees of Infirmaries under the Operation of this Act, such Vacancy shall be filled by Election from amongst the Ratepayers at large by the Town Council or other Governing Body of either of the said Cities of Cork, Belfast, or Galway respectively, as the Case may be: Provided always, that the Chairman and Vice-Chairman of the Guardians for the Time being shall be ex-officio Members of such Board of Governors.

How Vacancies are to be filled up.

XIII. The Governors so appointed shall provide One General Hospital for the Treatment of Surgical Cases and of all Cases of acute Disease, Fever excepted, such Hospital to contain not less than *One hundred* Beds for intern Patients; and all Charges incurred

One General Hospital to be provided.

for building or enlarging such Hospital and the due Maintenance of the said Hospital and of the Patients received therein shall be paid by the Guardians from the Poor Rates of the said Union; and the Account of such Expenditure shall be kept in such Form as the said Commissioners shall prescribe, due Regard being had to the Chargeability of each Patient, according to the Provisions of this Act and of the Acts now in force for the Relief of the Destitute Poor in Ireland.

All Grand Jury Presentments to cease, except for Fever Hospitals. This Act not to apply to Workhouse Hospitals.

XIV. From and after the Day named in the Order aforesaid of the said Commissioners, all Provisions now made by Grand Jury Presentment or other legal Assessment, save as herein-before provided, for the Support of Hospitals or Infirmaries in the said Union shall wholly cease and determine: Provided always, that nothing herein contained shall apply to or in anywise affect Fever Hospitals or Hospitals attached to or in connexion with the Workhouse of such Union while this Act is in operation.

All Property belonging to Hospitals under the Operation of this Act to vest in the Board of Managing Governors.

XV. All and every the Lands and Tenements, Sum or Sums of Money, Rents or other Property now vested in the Governors or Trustees of any Hospital brought under the Provisions of this Act shall be vested in the Managing Governors of the General Hospital appointed as aforesaid under this Act, and the said Managing Governors shall have the Power to dispose of or to appropriate the whole or any Part of the said Property for the Purposes of this Act, or to purchase or rent any Site or Building which may be necessary for adequately enlarging the existing Buildings, or, if necessary, erecting a new Hospital: Provided always, that nothing herein contained shall interfere in any Manner or Form with the Property of Hospitals privately endowed or supported wholly by Voluntary Contributions.

Terms on which Patients from other Unions may be received.

XVI. It may be lawful for the Governors of such General Hospital to receive therein Patients from any other Union suffering from acute Disease, Fever excepted, or requiring Surgical Treatment, and to charge the Union to which any Patient may belong for his or her Care, Treatment, and Maintenance a Sum not exceeding the average Cost of the Maintenance and Treatment per Head per Diem of all the Patients in the said Hospital, or to contract with the Guardians of any other Union for the Admission and Treatment in the said Hospital of every Person suffering under acute Disease as aforesaid or requiring Surgical Aid, and who may be chargeable to the said Union or to any Electorate thereof: Provided always, that the Chargeability of each Patient belonging to the Union in which the said Hospital is situated shall be in conformity with the Law and Statutes in force in respect to the Relief and Chargeability of the Destitute Poor in Ireland.

XVII. It

Students of Queen's Colleges admitted to the Clinical Lectures in such General Hospital.

XVII. It shall be lawful for the Governors of the said Hospitals to permit the Students of Medicine or Surgery of the Queen's Colleges, or other Medical or Surgical Student, to have Access and Admission to the Wards of the said Hospitals for the Purpose of receiving Clinical or other Instruction from the Medical Officers of the said Hospitals, and of pursuing the Course of Study in Medicine and Surgery which may be prescribed to such Students by the Regulations of the said Colleges respectively, and such Students shall during the Period of such Attendance be subject to the Statutes, Rules, and Ordinances made or to be made for the Maintenance of Discipline in the Queen's Colleges in Ireland.

Medical Officers to give Courses of Clinical Lectures.

XVIII. The Medical Officers appointed under the Provisions of this Act shall respectively give a Course or Courses of Clinical Lectures in each Year after the *passing of this Act* to the Students attending such Hospitals, and such Lectures shall be delivered at such Times as shall be agreed upon by the President and Council of the respective Queen's Colleges and the Medical Officers of the said Hospitals.

Such reasonable Fees may be charged as the Lord Lieutenant may approve.

XIX. It shall be lawful for the Medical Officers of the said Hospitals to charge such reasonable Fees for Attendance on the Practice of the said Hospitals and on the Clinical Lectures to be delivered therein as the Lord Lieutenant shall by Order under his Hand direct and appoint.

Physicians and Surgeons of existing Hospitals to be affected by this Act to be the Physicians and Surgeons of the General Hospital.

XX. The Physicians and Surgeons who for the last *Twelve* Months previously to the passing of this Act have been engaged in Clinical Teaching and who have enjoyed the Privileges and derived Emoluments arising therefrom in the Hospitals or Infirmaries affected by the Provisions of this Act, or by means of private Schools of Anatomy and Surgery, shall be the Medical Officers of the said General Hospital to be established under this Act: Provided always, that in case of Vacancy by Death, Resignation, or Incapacity to discharge the Duty to the Satisfaction of the Governors, such Vacancy shall be filled by such Board of Governors.

Certificate of Attendance on the Clinical Lectures of said General Hospital to be received by all Licensing Bodies.

XXI. The Certificate of the said Medical Officers that any Student has attended the Clinical Lectures delivered in the said Hospital during *Twelve* Months shall be received as a good and valid Certificate of Hospital Attendance by all and every Association, Council, Examiners, Colleges, Universities, or other Licensing Bodies having the Power, Authority, and Privilege of conferring Degrees in Medicine and Surgery in the United Kingdom of Great Britain and Ireland.

(Queen's University) (Ireland).

A

BILL

FOR

Securing the more effectual Promotion of the Medical and Surgical Sciences in the Queen's University in Ireland, by enabling the Ratepayers of the Unions of Cork, Belfast, and Galway respectively, to provide for the Enlargement and better Maintenance of certain Hospitals in the said Cities and Towns; and for the further Extension of the Provisions of the Act of the Eighth and Ninth Years of Her present Majesty, to endow new Colleges for the Advancement of Learning in Ireland.

(*Prepared and brought in by Mr. Fagan and Mr. Beamish.*)

Ordered, by The House of Commons, *to be Printed*, 28 *May* 1857.

[Bill 33.]

Under 2 oz.

Metropolitan Police Stations, &c. Bill.

ARRANGEMENT OF CLAUSES.

A Sum of 60,000*l.* may be raised on the Security of the Police Rates of the Metropolitan Police District. No Priority amongst Mortgagees; Sect. 1.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances; 2.

Form of Mortgage. Register of Mortgages; 3.

Repayment of Money borrowed at a Time agreed upon. Interest on Mortgages to be paid half-yearly. As to Repayment of Money borrowed when no Time has been agreed upon. Interest to cease on Expiration of Notice to pay off a Mortgage Debt; 4.

Power to borrow to pay off existing Securities; 5.

Transfer of Mortgages. Register of Transfers; 6.

Money advanced to be paid into the Bank to the Credit of the Receiver's Account; 7.

Monies borrowed under this Act to be a First Charge on the Police Rate; 8.

Monies borrowed to be paid off within Thirty Years from passing of Act; 9.

3 & 4 Will. 4. c. 89. s. 2. and 2 & 3 Vict. c. 47. s. 3. recited; 3 & 4 Will. 4. c. 89. s. 2. repealed. The Contribution under the Two Enactments not to exceed 2*d.* in the Pound on the Rental assessed; 10.

10 Geo. 4. c. 44. s. 23. recited; the rateable Value of Buildings erected since the last County Rate Valuation to be taken into account for the Purposes of the Police Rate; 11.

Overseers to make Returns of new Buildings; 12.

Receiver may inspect Rates; 13.

Penalty on Overseers neglecting to make Returns or refusing to produce Rates; 14.

Deficiency of Police Superannuation Fund may be made good out of other Monies applicable to the Charge of the Police; 15.

A

BILL

FOR

Raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police.

WHEREAS it has become necessary to build new Stations and to improve the existing Stations for the Metropolitan Police, and as the Expense of such building and Improvement will exceed the Amount which can be defrayed out of the annual Receipts applicable to the Purposes of the Metropolitan Police, it is expedient that, towards defraying such Expense, a Sum of Sixty thousand Pounds should be raised as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

I. It shall be lawful for the Receiver of the Metropolitan Police District, by the Direction of One of Her Majesty's Principal Secretaries of State, to borrow and take up at Interest on the Rates raised for the Purposes of the Police within the Metropolitan Police District any Sum or Sums not exceeding in the whole the Sum of *Sixty thousand Pounds*, and for the Purpose of securing any Sum or Sums so borrowed, with Interest, such Receiver may mortgage and assign over, to the A Sum of 60,000*l.* may be raised on the Security of the Police Rates of the Metropolitan Police District.

Person or Persons by or on behalf of whom such Sum or Sums are advanced, the said Rates; and the respective Mortgagees (if more than One) shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sum so advanced by him, with Interest, without any Preference over any other Mortgagee by reason of any Priority of Advance, or the Date of his Mortgage.

No Priority amongst Mortgagees.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

II. It shall be lawful for the Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize "for a further Period the Advance of Money out of the Consolidated "Fund to a limited Amount for carrying on Public Works and "Fisheries and Employment of the Poor," and any Act or Acts for amending or continuing the same, to make Advances to the said Receiver upon the Security of the said Rates, and without requiring any further or other Security than a Mortgage of such Rates.

Form of Mortgage.

III. Every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and may be made according to the Form (A.) contained in the Schedule to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the said Receiver and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept by the said Receiver a Register of the Mortgages made under this Act, and within *Fourteen* Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed.

Register of Mortgages.

Repayment of Money borrowed at a Time agreed upon.

IV. A Time or Times may be fixed by any such Deed for the Repayment of all or any Principal Monies secured thereby, and the Payment of the Interest thereof respectively; and such Monies, with Interest, may be made repayable by Instalments or otherwise, as they may think fit; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the Chief Office of the said Commissioners, and, unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive

Interest on Mortgages to be paid half-yearly.

As to Repayment of Money bor-

receive such Money may, at the Expiration or at any Time after the Expiration of *Twelve* Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving *Six* Months previous Notice for that Purpose to the said Receiver personally, or by leaving the same at the said Office; and in the like Case the said Receiver may at any Time pay off the Money borrowed, on giving the like Notice, which Notice may be given to such Mortgagee personally, or left at his Place of Residence; or if such Mortgagee or his Residence be unknown to them, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the London Gazette; and if the said Receiver have given Notice of his Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by him, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Receiver fail to pay the Principal and Interest due, at the Expiration of such Notice, on such Mortgage.

rowed when no Time has been agreed upon.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

V. It shall be lawful for the said Receiver to raise and borrow the Monies necessary for paying off any Security granted under this Act, and to pay off the same; and the Monies borrowed for the Purpose of such Payment shall be secured and repaid in like Manner as Monies borrowed in the first instance under this Act: Provided always, that nothing herein contained shall extend to authorize the paying off of any Security otherwise than in accordance with the Provisions thereof.

Power to borrow to pay off existing Securities.

VI. Any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept by the said Receiver a Register of such Transfers, and within *Thirty* Days after the Date of any such Deed of Transfer, if executed within the United Kingdom, or within *Thirty* Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the said Receiver, and the said Receiver shall make or cause to be made an Entry in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner

Transfer of Mortgages.

Register of Transfers.

transfer his Estate and Interest in such Mortgage; and no Person, except the Person to whom the same has been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Money advanced to be paid into the Bank to the Credit of the Receiver's Account.

VII. All Monies borrowed under this Act shall be paid by the Persons advancing the same into the Bank of England, to the Credit of the Accounts of the said Receiver kept at the said Bank under the Act of the Tenth Year of King George the Fourth, Chapter Forty-four, and the Monies so paid shall be drawn out in manner provided by the said Act, and shall be applied, under the Directions of One of Her Majesty's Principal Secretaries of State, in defraying the Expenses of Works for improving the Cells in the Stations of the Metropolitan Police.

Monies borrowed under this Act to be a First Charge on the Police Rate.

VIII. The Monies secured by the Mortgages made under this Act shall be a First Charge upon the Sums and Rates which the Commissioner of Police of the Metropolis is authorized to require to be paid or to levy or cause to be levied, in the Metropolitan Police District, under the said Act of King George the Fourth, and an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven; and the said Receiver shall make Provision out of the Sums from Time to Time paid to his Account for Payment of all Monies from Time to Time becoming payable under this Act, for discharging the Monies borrowed under the same, in priority to all other Payments requiring to be made out of the said Sums.

Monies borrowed to be paid off within 30 Years from passing of Act.

IX. The Monies borrowed under this Act, with all Interest for the same, shall be wholly repaid and discharged within *Thirty* Years from the Time of the passing of this Act.

3 & 4 W. 4. c. 89.

X. And whereas an Act was passed in the Session holden in the Third and Fourth Years of King William the Fourth (Chapter Eighty-nine), "to authorize the Issue of a Sum of Money out of "the Consolidated Fund towards the Support of the Metropolitan § 2. "Police," and by Section Two of the said Act such Issue was limited not to exceed Sixty thousand Pounds in any one Year: And whereas by an Act of the Session holden in the Second and 2 & 3 Vict. c. 47. Third Years of Her Majesty, Chapter Forty-seven, "for further "improving the Police in and near the Metropolis," Provision was § 3. made for further Additions to the Metropolitan Police District, and in the Case of every Addition to such District after the passing of that Act the Commissioners of the Treasury were by Section Three authorized to direct the Issue out of the Consolidated Fund of an additional yearly Sum not greater in each Case than the Amount of Twopence

Twopence in the Pound upon the additional Rental assessed to the Metropolitan Police by reason of such Addition: And whereas, by an Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-four, the Sums which were payable out of the Consolidated Fund under the said recited Acts are made payable out of such Aids and Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose: And whereas the Sums which the Commissioners of Her Majesty's Treasury are authorized to cause to be issued under the said Acts, subject to the Limitation of Amount contained in the said Act of the Third and Fourth Years of King William the Fourth, are, together with the Amount authorized to be raised by means of Rates in the Metropolitan Police District, insufficient to defray the Expense of maintaining the Police of the Metropolis:

Section Two of the said Act of the Third and Fourth Years of King William the Fourth shall be repealed, as from the day of 185 , but the Sums which the Commissioners of Her Majesty's Treasury shall cause to be issued under and subject to the Conditions of the said Act of the Third and Fourth Years of King William the Fourth, and Section Three of the said Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall not together in any one Year exceed the Amount of *Twopence* in the Pound upon the Rental assessed to the Metropolitan Police in the whole of the Metropolitan Police District for the Time being.

3 & 4 W. 4. c. 89. s. 2. repealed.

The Contribution under the Two Enactments not to exceed 2*d.* in the Pound on the Rental assessed.

XI. And whereas by the Act of the Tenth Year of King George the Fourth, Chapter Forty-four, the Sum to be paid for the Purposes of the Police under that Act within the Metropolitan Police District is to be ascertained, and is limited with reference to the full and fair annual Value of all Property rateable for the Relief of the Poor within the Parish, Township, Precinct, or Place, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the County Rate: And whereas from the rapid Increase of building in Parts of the Metropolitan Police District many Buildings become rateable for the Relief of the Poor, and occasion an Increase of Charge for the Purposes of the Police, before they are included in the Valuation acted upon in assessing the County Rate:

10 G. 4. c. 44. s. 23.

In computing the full and fair annual Value of the Property rateable for the Relief of the Poor within any Parish, Township, Precinct, or Place in the Metropolitan Police District, for all the Purposes of the said Act of King George the Fourth, and the other Acts relating to the Metropolitan Police, and this Act, the annual Value, according to the last Poors Rate for the Time being, of all Houses and other Buildings in such Parish, Township, Precinct, or Place,

The rateable Value of Buildings erected since the last County Rate Valuation to be taken into account for the Purposes of the Police Rate.

Place, which shall have been erected since the last Valuation acted upon in assessing the County Rate, and which shall have become rateable to the Relief of the Poor, after deducting therefrom the annual Value of the Land or other Property, if any, which may have ceased to be rateable by reason of the Erection of such Houses or Buildings, shall be added to the Amount of the annual Value of the rateable Property in such Parish, Township, Precinct, or Place, according to the last Valuation for the Time being acted upon in assessing the County Rate.

Overseers to make Returns of new Buildings.

XII. The Overseers of the Poor of every Parish, Township, Precinct, or Place within the Metropolitan Police District shall, if required by the Receiver for the Metropolitan Police District, by Notice in Writing to be given *Twenty-eight* Days before the First Day of June and the First Day of December respectively in any Year, make and cause to be delivered to the Receiver for the Metropolitan Police District a true Return in Writing under the Hands of such Overseers, specifying every House or other Building which shall have been erected and have become rateable to the Relief of the Poor in such Parish, Township, Precinct, or Place since the making of the last Valuation for the Time being acted upon in assessing the County Rate, and the annual Value at which the same is rated for the Relief of the Poor in the last Rate made for that Purpose, and such Overseers shall also specify in such Return the annual Value at which the Land or other Property, if any, which may have ceased to be rateable by reason of the Erection of such Houses or Buildings was rated before the Erection thereof.

Receiver may inspect Rates.

XIII. The Receiver for the Metropolitan Police District, or any Person having an Order for that Purpose under the Hand of such Receiver, may inspect any Poor Rate made or to be made for any Parish, Township, Precinct, or Place in the Metropolitan Police District, and take Copies of or Extracts from any such Rate, without Payment of any Fee or Reward.

Penalty on Overseers neglecting to make Returns, or refusing to produce Rates.

XIV. If any Overseer or Overseers refuse or neglect to make any Return required by this Act, or if any Overseer or Person having the Custody of any such Poor Rate as herein mentioned refuse or neglect to permit the Receiver or any Person hereby authorized to inspect such Rate, or to take Copies or Extracts from the same, within *Two* Days after Notice in Writing, under the Hand of such Receiver, for that Purpose shown to the Overseer or Person having the Custody of such Poor Rate, or left at his usual Place of Abode; every Overseer or Person so offending shall, on Conviction thereof before Two Justices of the Peace, or before any Police Magistrate sitting in a Police Court of the Metropolitan Police District, forfeit and pay for every such Offence the Sum of *Ten Pounds*.

XV. In

XV. In case the Police Superannuation Fund provided by the said Act of the Second and Third Years of Her Majesty shall at any Time be insufficient for Payment of the Superannuation or Retiring Allowances which may be ordered to be paid thereout under the Provisions of the Acts relating to the Police of the Metropolis, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand, to authorize and direct the Payment by the Receiver for the Metropolitan Police District, out of any Monies applicable towards defraying the Charge of the Metropolitan Police, of such Sum or Sums from Time to Time as may be necessary to make good the Deficiency of the said Police Superannuation Fund.

Deficiency of Police Superannuation Fund may be made good out of other Monies applicable to the Charge of the Police.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Form of Mortgage of Rates.

Mortgage, Number ( )

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], Esquire, the Receiver of the Metropolitan Police District, in consideration of the Sum of paid to by *A.B.* of for the Purposes of the said Act, doth grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all Sums and Rates authorized to be levied by the Commissioners of Police of the Metropolis under the Act of the Tenth Year of King George the Fourth, Chapter Forty, and the Act of the Session holden in the Second and Third Years of Queen Victoria, Chapter Forty-seven, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the said hath hereunto set his Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by Esquire, the Receiver of the Metropolitan Police District, for securing the Sum of and Interest [*or, if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after "Assigns,"* the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

A B I L L

For raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police.

(Prepared and brought in by Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1857.

[Bill 106.]

Under 2 oz.

13 *August* 1857. 20 & 21 Vict.

A

B I L L

INTITULED

An Act to authorize the embodying of the Militia.

[Note.—*The Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS the sudden Demand for the Service in India of a large Body of Her Majesty's Regular Forces may render it expedient to draw out and embody the Militia or some Part of the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

It shall be lawful for Her Majesty and for the Lord Lieutenant or other Chief Governor or Governors of Ireland respectively, at any Time after the passing of this Act, and before the Twenty-fifth Day of March One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in England, Scotland, and Ireland to be drawn out and embodied in like Manner as in the respective Cases in which such Militias are now by Law authorized to be drawn out and embodied. The Militia may be embodied

All the Provisions of the Acts relating to such respective Militias and of all other Acts now in force applicable for and in the Case of the drawing out and embodying of such Militias in the Cases in which the same may now by Law be drawn out and embodied, and Provisions of Acts relating to the Militia extended to this Act.

and to such respective Militias when so embodied, shall be applicable for and in the Case of the drawing out and embodying of such respective Militias under the Authority of this Act, and to such Militias when so embodied; and all Militiamen ordered to be drawn out and embodied under this Act shall be subject to the same Obligations of Service in all respects as if they had been ordered to be drawn out and embodied in a Case now provided for by Law.

Provisions requiring the meeting of Parliament within Fourteen Days not to apply.

I. So much of the Acts relating to such Militias as requires that a Proclamation shall be issued for the meeting of Parliament (if the Militia be drawn out and embodied when Parliament shall be separated by an Adjournment or Prorogation which will not expire within Fourteen Days) shall not be applicable in the Case of the Militia or any Part thereof being drawn out and embodied under the Authority of this Act.

Pay of Militia drawn out to commence from the Time appointed for their assembling.

The Pay of the Officers and Men of the Militia who may be drawn out under this Act shall commence from the Time appointed for their assembling or joining their respective Regiments, Battalions, or Corps, and not from the Date of the Order or Warrant for drawing out such Militia, subject nevertheless to the Provisions for postponing the Commencement of such Pay in the Case of any Person in such Militia who may not join his Regiment, Battalion, or Corps on the Day appointed for that Purpose.

Section 4. of 17 & 18 Vict. c. 13. (concerning Service of Notices) to apply to this Act.

II. Section Four of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Thirteen, shall extend to any Case of drawing out and embodying the Militia in England, or any Part of such Militia, under the Authority of this Act.

A

BILL

INTITULED

An Act to authorize the embodying of the Militia.

(*Brought from the Lords* 12 *August* 1857.)

Ordered, by The House of Commons, *to be Printed,*
13 *August* 1857.

[Bill 191.]

Under 1 *oz.*

2319

9 *June* 1857. 20 Vict. (Sess 2.)

(Ireland.)

A

B I L L

TO

Amend "The Militia (Ireland) Act, 1854."

WHEREAS by "The Militia (Ireland) Act, 1854," it is, amongst other things, enacted, that the Costs of providing any House or Place for the keeping of the Arms, Accoutrements, Clothing, or other Stores of the Militia in each County or County of a City in Ireland when not embodied shall be defrayed by the County and County of a City respectively, and the necessary Sum for that Purpose, and all Arrears in respect of such Cost which shall have become due before the Certificate thereof shall be transmitted as thereafter mentioned, shall be raised by the Presentment of the Grand Jury of such County and County of a City, and in the City of Dublin by the Town Council of the Borough of Dublin; and by the same Act such Grand Jury and Town Council are empowered to borrow all or any Part of the Money necessary for the aforesaid Purpose upon Mortgage of the County Cess and Rates, and to provide for and cause to be paid out of the County Cess of such County and County of a City, and out of the Rates of such Borough of Dublin, the Principal and Interest of the Money so borrowed in manner therein mentioned: And whereas by "The Cork Improvement Act, 1852," and "The Limerick Improvement Act, 1853," the Powers, Rights, and Duties of the Grand Juries of the

Preamble. 17 & 18 Vict. c. 107. s. 38.

17 & 18 Vict. c. 107. ss. 39, 40.

15 & 16 Vict. cxiii. 16 & 17 Vict. (Local and Personal) cxciv.

Counties of the Cities of Cork and Limerick, in regard to the, presenting and levying of Rates for any Purpose, have been transferred to the Councils of the Boroughs of Cork and Limerick respectively; but, inasmuch as the said first-recited Act was passed subsequently to the said Two last-recited Acts, Doubts have arisen whether the Councils of the Boroughs of Cork and Limerick respectively can make such Presentments and do such other Acts as the Grand Juries of the Counties of Cities are by the first-recited Act required and empowered to make and do: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Council of Boroughs of Cork and Limerick to make Presentments, &c. as the Grand Juries of the Counties of the Cities of Cork and Limerick would have been required to do if last-recited Acts had not been passed.

I. The Councils of the Boroughs of Cork and Limerick respectively shall and may raise, by way of Rate upon such Boroughs respectively, such Sums as the Grand Juries of the Counties of the Cities of Cork and Limerick respectively would have been required or enabled to raise by way of Presentment by virtue of the first-recited Act if the Two last-recited Acts had not been passed, and shall and may do all such other Acts as the said Grand Juries or the Foremen thereof respectively might have done under the said first-recited Act in the Event aforesaid.

Interpretation Clause.

II. The Expression "the County Cess and Rates" or "the County Cess" contained in the said first-recited Act shall, in relation to the Boroughs of Dublin, Cork, and Limerick, be construed to mean the Rates of such Boroughs respectively.

As to Execution of Mortgages.

III. Any Mortgage to be executed in pursuance of the first-recited Act for the Borough of Cork or of Limerick shall be executed by the Mayor and Two of the Council of each such Borough.

Short Title.

IV. This Act may be cited for all Purposes as "The Militia (Ireland) Act, 1857."

A

BILL

To amend "The Militia (Ireland) Act, 1854."

(*Prepared and brought in by Mr. Attorney General for Ireland and Sir John Ramsden.*

Ordered, by The House of Commons, *to be Printed*, 9 *June* 1857.

[Bill 58.]

Under 1 *oz.*

6 *July* 1857. 20 & 21 Vict.

A

BILL

TO

Suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

Preamble.

WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

I. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the *First Day of October One thousand eight hundred and fifty-eight.*

Proceedings may be had during such

II. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any

Suspension by Order in Council.

any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in Great Britain under the Authority of One of Her Majesty's Principal Secretaries of State, or in Ireland under the Authority of the Lord Lieutenant or other Chief Governor or Governors of Ireland, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

Militia Ballots Suspension.

A

B I L L

To suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

(*Prepared and brought in by Sir John Ramsden and Mr. Brand.*)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1857.

[Bill 105.]

Under 1 *oz.*

14 *May* 1857. 20 Vict. (Sess. 2.)

(Ireland.)

A

BILL

TO

Amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of Ministers Money in Ireland.

WHEREAS by an Act of the Session of Parliament holden in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act to amend the Laws relating "to Ministers Money, and the Church Temporalities (Ireland) Act," it is enacted, amongst other things, that the Collector General of Rates within the Municipal District of the City of Dublin, and the Boards of Guardians and the Council of each of the Cities or Boroughs of Cork, Limerick, Waterford, Drogheda, Kilkenny, and Clonmel, and the Town Commissioners of Kinsale, in their respective Districts, shall cause to be raised in each Parish then liable to the Payment of Ministers Money, in every Year, in Two equal Sums, the Amount ascertained, approved, and certified under the Provisions of the said Act with respect to such Parish, by means of a Rate, to be assessed and levied as therein provided, on all Houses situated in each such Parish respectively then liable to the Payment of Ministers Money, and being of the rated Value of more than Ten Pounds; and that the Monies so levied shall be paid in manner therein provided into the Bank of Ireland to a separate Account in the Name of the Paymaster of the Civil Services in Ireland; and all Sums paid to such Paymaster shall be paid by him to "The Ecclesiastical Commis-

Preamble.

17 & 18 Vict. c. 11.

Commissioners for Ireland;" and it is further enacted by the said recited Act, that in case in any Half Year the Sums due on the Houses liable to the said Tax be not raised and paid over to the Paymaster of Civil Services, the same shall, in case of such Default, with respect to any Parish in the immediate District of Dublin or in any of the other Cities and Boroughs therein mentioned, become and be a Debt due to the Crown, and recoverable as such from the City of Dublin, or from such other City or Borough in which such Default may happen; and the Lord Lieutenant of Ireland shall order all Sums which shall become due to the Crown to be recovered and paid to "The Ecclesiastical Commissioners for Ireland:" And whereas it is expedient to alter and amend the said recited Act, in order that the said Rate or Tax in lieu of Ministers Money should cease and determine, and should not, nor should any Arrears thereof, be collected or enforced: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of recited Act relating to the Tax repealed.

I. The Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Sections of the said recited Act shall be and are hereby repealed.

No Proceedings to be taken to recover Arrears.

II. No Proceeding shall be hereafter instituted or prosecuted to recover or enforce any Arrears of the said Rate or Tax under the said recited Act.

Not to interfere with Rights of Incumbents to be paid by Ecclesiastical Commissioners.

III. Nothing herein contained shall be deemed to lessen or interfere with the Rights of the Incumbents of the several Parishes out of which Ministers Money was payable to be paid by the Ecclesiastical Commissioners in manner provided by the Eighth Section of the said recited Act.

Ministers Money
(Ireland).

A

BILL

To amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of Ministers Money in Ireland.

(*Prepared and brought in by Mr. Fagan and Mr. Beamish.*)

Ordered, by The House of Commons, *to be Printed,* 14 *May* 1857.

[Bill 18.]

Under 1 *oz.*

23 *June* 1857. 20 & 21 Vict.

A

BILL

TO

Amend the Acts concerning Municipal Corporations in England.

WHEREAS by Section Seventy-five of the Act passed in the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, "To provide for the Regulation of Municipal Corporations in England and Wales," it was provided that the Trustees appointed under any Act of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving any Borough named in One of the Schedules (A.) and (B.) to the Act now in recital, or Part thereof, might if it should seem to them expedient transfer all the Powers vested in them as such Trustees by any such Act to the Body Corporate of such Borough, and the Body Corporate of such Borough should thenceforth be Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act of Parliament; provided always, that no such Transfer should be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) to the Act now in recital which relate to the Town of Cambridge without the Consent of the Chancellor, Masters, and Scholars of the University of Cambridge: And whereas Doubts have arisen as to the Construction of the said Section, and it is expedient to amend the same as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Preamble.

5 & 6 W. 4. c. 76. s. 75.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 W. 4. c. 76. s. 75. repealed.

I. The herein-before recited Enactment shall be repealed save so far as relates to any Transfer made thereunder before the *passing of this Act.*

Powers, Property, and Liabilities of Trustees for paving, &c. may be on the Grant of a Charter of Incorporation under 5 & 6 W. 4. c. 76. transferred to the Body Corporate of the Borough.

II. The Trustees appointed or acting by or under any Act of Parliament for paving, lighting, supplying with Water or Gas, or cleansing, watching, regulating, or improving, or for providing or maintaining a Cemetery or Market in or for any Borough named in one of the said Schedules to the said Act of the Fifth and Sixth of King William the Fourth, or to which a Charter of Incorporation has been since the *passing of such Act* or shall be hereafter granted under the Provisions of the said Act or otherwise, or any Part of any such Borough, and whether the Powers of such Trustees under any such Act do or do not extend beyond the Limits of such Borough, may, if it seem to them expedient, at a Meeting to be called for that Purpose, transfer to the Body Corporate of such Borough all the Rights, Powers, Estates, Property, and Liabilities of such Trustees under any such Act as aforesaid, and such Transfer shall be made in Writing under the Common Seal of the said Trustees if they be a Corporation, or, if not a Corporation, then by Deed executed by the Trustees or any Two of them acting by the Authority of and on behalf of all such Trustees; and upon any such Transfer being so made the Body Corporate to whom such Transfer is made shall become and be Trustee for executing by the Council of the Borough the several Powers and Provisions of any such Act as aforesaid, and all the Rights, Powers, Estates, and Property vested in the Trustees making such Transfer shall vest in such Body Corporate, and all the Liabilities and Obligations of the said Trustees shall stand transferred to and be borne by such Body Corporate, and the said Trustees shall be freed and discharged from all such Liabilities and Obligations, but nothing herein contained shall authorize any such Transfer in the Case of the Town of Cambridge without the Consent required by the said recited Enactment.

No Transfer to be made without a Resolution of the Borough Council.

III. Provided always, That no such Transfer as aforesaid shall be made or take effect unless and until the Council of the Borough have resolved, at a Meeting of such Council holden and convened in manner required by the said Act of William the Fourth, to accept the same.

Confirmation of Transfers under 5 & 6 W. 4. c. 76. s. 75.

IV. Where under the herein-before recited Enactment the Trustees under any such Act of Parliament as therein mentioned have transferred to the Body Corporate of any Borough the Powers vested in such

such Trustees under such Act, and the Transfer so made purports to extend to the Estates and Property vested in such Trustees, and their Liabilities and Obligations on any of such Matters, the Transfer so made shall be deemed to have been authorized by the said Enactment. of Property and Liabilities.

V. And whereas by an Act passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter One hundred and eleven, "to confirm the Incorporation of certain Boroughs, "and to idemnify such Persons as have sustained Loss thereby," after confirming the Charters of Incorporation therein recited to have been granted to certain Boroughs, and also all Grants of separate Courts of Sessions of the Peace issued or granted to any of the said Boroughs, it was enacted, that every Officer of any such Borough, or of any County or any Division of a County in which any such Borough was situated, who was in any Office of Profit at the Time of the granting of any such Charter of Incorporation, or of any Grant afterwards made by His late Majesty or by Her Majesty before the passing of this Act, whose Office should have been abolished, or who should have been removed from his Office, or who should have been deprived of any Part of the Fees and Emoluments of his Office, in consequence of any such Grant, should be entitled to have an adequate Compensation, to be assessed by the Council, and paid out of the Borough Fund, for the Salary, Fees, and Emoluments of the Office which he should so cease to hold, or for such Part thereof as he should have been so deprived of, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and all the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, relating to the Claim of any Corporate Officer for Compensation, and to the Manner of determining and securing the Amount of such Compensation, should apply severally to the Officers by the now-reciting Enactment indemnified: Provided always, that the Statements to be delivered to the Town Clerks of the said several Boroughs by the said Officers should set forth the Fees and Emoluments in respect whereof they should claim Compensation during Five Years next before the several Times when the Profits of their several Offices were first affected by any of the said Grants respectively: And whereas it is expedient that the said Enactment should be extended as herein-after mentioned: 5 & 6 Vict. c. 111. s. 2.

The Enactment lastly herein-before recited shall extend and be applicable to and in the Case of every Officer of any Borough to which since the passing of the said Act of the Fifth and Sixth Years of Her Majesty a Charter of Incorporation has been or to which any such 5 & 6 Vict. c. 111. s. 2., giving Compensation to Officers,

Extended to Boroughs since incorporated.

Charter shall hereafter be granted, under the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth, or otherwise, and of any Borough incorporated under any such Charter to which a Grant of a separate Court of Quarter Sessions of the Peace has been or may hereafter be made, and to every Officer of any County or any Division of a County in which any such Borough is situate.

Acts to be read together.

VI. The said Act of King William the Fourth and this Act shall be construed together as One Act.

Municipal Corporations.

A

B I L L

To amend the Acts concerning Municipal Corporations in England.

(*Prepared and brought in by Mr. Massey, Sir George Grey, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1857.

[Bill 82.]

Under 1 *oz.*

Mutual Companies Bill.

ARRANGEMENT OF CLAUSES.

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A

BILL

FOR

The Incorporation of Mutual Companies.

WHEREAS the Joint Stock Companies Acts, 1856, 1857, require that all Companies incorporated thereunder should have a nominal Capital of fixed Amount, divided into Shares, also of fixed Amount, and which Capital so divided is hereinafter called a Proprietary Capital: And whereas many of the Provisions of such Acts cannot be conveniently applied to the Formation and Registration of Mutual Insurance Companies, Mutual Investment Companies, and other Companies and Societies formed on like Principles, or on any other Principle that does not require the Creation of a Proprietary Capital: And whereas it is expedient to provide for the Regulation and Incorporation of such Mutual Companies, Mutual Investment Companies, and other Companies or Societies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,) Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Mutual Companies Act, 1857." Short Title of Act.

Application of this Act and of the Joint Stock Companies Acts.

II. This Act shall not apply to any Companies incorporated under the Joint Stock Companies Acts, 1856, 1857; and the Provisions of the said Joint Stock Companies Acts shall not, excepting so far as they are herein- after incorporated, apply to any Company incorporated under this Act.

PART I.

Constitution and Incorporation of Mutual Companies.

Registry.

Company formed by Memorandum of Association and Registration. 20Vict. c. 47. s. 3.

III. *Seven* or more Persons associated together for any lawful Purpose that does not require a Proprietary Capital may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into an incorporated Company, herein-after called a Mutual Company, but with such unrestricted Liability as is herein-after mentioned on the Part of the Members of the Company to contribute to its Assets in the event of the same being wound up.

Penalty on Partnerships exceeding a certain Number. 20Vict. c. 47. s. 4.

IV. If after the passing of this Act more than *Twenty* Persons carry on in Partnership any Trade or Business having for its Object the Procurement of Gain to the individual Members of such Partnership, then, unless such Persons are included within One or more of the Classes following, (that is to say,)

(1.) Are registered as a Company under this Act,

(2.) Are a Company formed by or in pursuance of some Act of Parliament, Royal Charter, or Letters Patent,

(3.) Are engaged in working Mines within and subject to the Jurisdiction of the Stannaries,

each One of the Persons so carrying on Business in Partnership together contrary to this Provision shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same, without the Joinder in the Action or Suit of any other Member of the Partnership,

Matters required to be prescribed by Memorandum of Association of Mutual Company. 20Vict. c. 47. s. 5.

V. The Memorandum of Association of a Mutual Company shall contain the following Things; that is to say,

(1.) The Name of the proposed Company:

(2.) The Part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered Office of the Company is proposed to be situate:

(3.) The Objects for which the proposed Company is to be established:

(4.) The

(4.) The Mode in which the Funds of the proposed Company are to be supplied:

(5.) The proposed Number of Members, or, if the Number of Members is intended to be unlimited, a Statement to that Effect.

Form of Memorandum of Association. 20 Vict. c. 47. s. 7.

VI. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit: *It shall bear the same Stamp as if it were a Deed;* and it shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

Prohibition against Identity of Names in registered Companies. 20 Vict. c. 47. s. 6.

VII. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, and if any Company, through Inadvertence or otherwise, is registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Managers.

VIII. Every Mutual Company shall be governed by One or more Manager or Managers chosen and qualified in such Manner as may be determined by the Regulations of the Company: If only One Person is chosen as a Manager, all the Provisions of the Act relating to Managers shall apply to him.

Regulations to be prescribed by Articles of Association. 20 Vict. c. 47. s. 9.

IX. The Memorandum of Association shall be accompanied by Articles of Association signed by the Subscribers to the Memorandum of Association, and prescribing Regulations for the Appointment of Managers and for such other Matters as may be deemed expedient: Such Articles shall be divided into separate Paragraphs, numbered arithmetically: *They shall bear the same Stamp as if they were contained*

contained in a Deed, and shall when registered bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, or otherwise duly executed the same, and there were in such Articles contained on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the Provisions of this Act.

Attestation of Memorandum and Articles of Association. 20Vict. c. 47. s. 11.

X. The Execution by any Person of the Memorandum of Association or Articles of Association shall be attested by One Witness at the least, and Attestation by One Witness shall be sufficient Attestation in Scotland as well as in England or Ireland.

Registration of Memorandum of Association and Articles of Association. 20Vict. c. 47. s. 12.

XI. The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint Stock Companies, who shall retain and register the same, or attested Copies thereof: There shall be paid to the Registrar of Joint Stock Companies, in respect of the several Matters mentioned in the Table marked B. in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Effect of Registration. 20Vict. c. 47. s. 13.

XII. Upon such Memorandum of Association and Articles of Association as aforesaid being registered, the Registrar shall certify under his Hand that the Company is incorporated: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Members of the Company in pursuance of the Regulations of the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Register of Managers and Members. 20Vict. c. 47. s. 16.

XIII. There shall be kept at the registered Office of every Company registered under this Act, herein-after called the Company,

(1.) A Register of the Managers;

(2.) A Register of the Members of the Company:

Each of the above Registers shall show the Names, Addresses, and Occupations of the Managers and Members respectively, and once in every Year on the Day of the Date of the Incorporation of Company, or on some Day not being more than *Three* Days before

or

or after such Date, a Copy of both the above Registers shall be sent to the Registrar of Joint Stock Companies.

Penalty on not keeping a Register. 20Vict. c. 47. s. 18.

XIV. If any Mutual Company makes default in keeping a Register of Managers or Members in manner herein-after required, or in sending a Copy of either of such Registers to the Registrar of Joint Stock Companies, the Managers of such Company shall each incur a Penalty not exceeding *Five Pounds* for every Day during which such Default continues.

Inspection of Register. 20Vict. c. 47. s. 23.

XV. The Registers of Managers and Members shall be kept at the registered Office of the Company herein-after mentioned: They shall during Business Hours, but subject to such reasonable Restrictions as the Company may impose, so that not less than *Two* Hours in each Day be appointed for Inspection, be open to the Inspection of any Member gratis, and to the Inspection of any other Person on the Payment of *One Shilling*, or such less Sum as the Company may prescribe for each Inspection; and every such Member or other Person may require a Copy of such Register or of any Part thereof, on Payment of *Sixpence* for every One hundred Words required to be copied: If such Inspection or Copy is refused, the Managers shall each incur for each Refusal a Penalty not exceeding *Two Pounds*, and a further Penalty not exceeding *Two Pounds* for every Day during which such Refusal continues.

Remedy for improper Entry or Omission of Entry in Register. 20Vict. c. 47. s. 25.

XVI. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Members of any Company, such Person, or any Member of the Company, may, as respects Companies registered in England or Ireland, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified, and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in entering on the Register the Name of any Member, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have sustained.

Register to be Evidence. 20Vict. c. 47. s. 26.

XVII. The Registers of Managers and Members shall respectively be primâ facie Evidence of any Matters by this Act directed or authorized to be inserted therein.

Copies of Memorandum and Articles of Association to be given to Shareholders.
20Vict. c. 47. s. 27.

XVIII. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Member at his Request, on Payment of the Sum of *One Shilling* for each Copy, or such less Sum as may be prescribed by the Company.

PART II.

Management and Administration of Mutual Companies.

General.

Registered Office of Company.
20Vict. c. 47. s. 28.

XIX. The Company shall have a registered Office to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, the Managers shall each incur a Penalty not exceeding *Five Pounds* for every Day during which Business is so carried on.

Notice of Situation of registered Office.
20Vict. c. 47. s. 29.

XX. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar of Joint Stock Companies, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Notice to Registrar of Increase of Members of Company.

XXI. When the Number of Members of the Company is limited by the Memorandum of Association, the Company, if authorized so to do by its Regulations, may increase such Number in manner directed by such Regulations, but Notice of any Increase so made shall be given to the Registrar of Joint Stock Companies within *Fifteen* Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid, each Manager of the Company shall incur a Penalty not exceeding *Five Pounds* for every Day during which such Neglect to give Notice continues.

Holding of General Meetings.

XXII. General Meetings shall be held at such Times as may be determined by the Regulations of the Company, subject to this Proviso, that *One Fifth* of the Members of the Company may at any Time convene a General Meeting of the Company.

Power of Company to alter Regulations by special Resolution.
20Vict. c. 47. s. 33.

XXIII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein-after mentioned, alter and make new Provisions in lieu of or in addition to any Regulations of the Company contained in the Articles of Association.

XXIV. A

Definition of Special Resolution. 20 Vict. c. 47. s. 34.

XXIV. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by *Three Fourths* in Number of such Members of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed,) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting of which Notice has been duly given, and held at an Interval of not less than *One Month* nor more than *Three* Months from the Date of the Meeting at which such Special Resolution was first passed: Unless a Poll is demanded by at least *Five* Members, a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company.

Registry of Special Resolutions. 20 Vict. c. 47. s. 35.

XXV. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint Stock Companies, and recorded by him: If such Copy is not so forwarded within *Fifteen* Days from the Date of the passing of the Resolution, the Managers of the Company shall each incur a Penalty not exceeding *Two Pounds* for every Day after the Expiration of such *Fifteen* Days during which such Copy is omitted to be forwarded.

Copies of Special Resolutions. 20 Vict. c. 47. s. 36.

XXVI. A Copy of any Special Resolution shall be given to any Member on Payment of *One Shilling*, or of such less Sum as the Company may direct.

Prohibition against holding Land. 20 Vict. c. 47. s. 38.

XXVII. No Company registered under this Act that is not for the Time being carrying on a Trade or Business having Gain for its Object shall be entitled, without the Sanction of the Board of Trade, to hold more than *Two* Acres of Land; but the Board of Trade may empower any such Company to hold Lands in such Quantity and subject to such Conditions as the Board of Trade thinks fit.

Evidence of Proceedings at Meetings. 20 Vict. c. 47. s. 40.

XXVIII. The Managers of a Company registered under this Act shall cause Minutes of all their Resolutions and Proceedings at any Meeting, and also of all Resolutions and Proceedings of General

Meetings of the Company, to be duly entered in Books to be from Time to Time provided for the Purpose; and any such Minute as aforesaid, if authenticated by the Signature of the Managers or of any *Three* of them, if more than *Three* in Number, shall be receivable in Evidence in all legal Proceedings; and, until the contrary is proved, every Meeting of Managers or of the Company in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Legal Instruments.

Incorporation of Sections of Joint Stock Companies Act, 1856, relating to legal Instruments.

XXIX. The Provisions of the Joint Stock Companies Act, 1856, relating to legal Instruments of Company, and to Deeds, contained in Sections Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, and Forty-seven, shall apply to all Companies registered under this Act.

Examination of Affairs of Company.

Examination of Affairs of Company by Inspectors appointed by the Board of Trade.

20 Vict. c. 47. s. 48.

XXX. Upon the Application of *One Fifth* in Number of the Members of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs.

Power of Inspectors.

20 Vict. c. 47. s. 49.

XXXI. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding *Five Pounds* in respect of each Offence.

Result of Examination how dealt with.

20 Vict. c. 47. s. 50.

XXXII. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed.

Power of Company

XXXIII. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs

Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

to appoint Inspectors. 20 Vict. c. 47. s. 51.

XXXIV. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in any legal Proceeding.

Report of Inspectors to be Evidence. 20 Vict. c. 47. s. 52.

Notices.

XXXV. Any Summons or Notice requiring to be served upon the Company may, except in Cases where a particular Mode of Service is directed, be served by leaving the same, or sending it through the Post addressed to the Company, at their registered Office, or by giving it to any Manager of the Company.

Services of Notices on Company. 20 Vict. c. 47. s. 53.

XXXVI. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office at such Time as aforesaid.

Rule as to Notices by Letter. 20 Vict. c. 47. s. 54.

XXXVII. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Manager or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentication of Notices of Company. 20 Vict. c. 47. s. 55.

Legal Proceedings.

XXXVIII. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace out "of Sessions within England and Wales with respect to Summary "Convictions and Orders;" and as to Scotland, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth

Recovery of Penalties. 20 Vict. c. 47. s. 56.

and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and four, intituled "An Act to amend and "consolidate the Acts relating to Merchant Shipping," as regards Offences in Scotland against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to Ireland, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consolidate and "amend the Acts regulating the Proceedings of Petty Sessions and "the Duties of Justices of the Peace out of Quarter Sessions in "Ireland," or any Act passed for the Amendment of the above-mentioned Acts.

Application of Penalties. 20 Vict. c. 47. s. 57.

XXXIX. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Alteration of Forms.

Board of Trade may alter Forms in Schedule. 20 Vict. c. 47. s. 58.

XL. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite: They shall publish any Form or Table when altered in the London Gazette, and upon such Publication being made it shall have the same Force as if it were included in the Schedule to this Act.

PART III.

WINDING-UP.

Definition of "the Court." 20 Vict. c. 47. s. 59.

XLI. The Expression "the Court," as used in the Third Part of this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Mutual Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice-Warden of the Stannaries:

In the Case of a Mutual Company registered in England,—the High Court of Chancery in England:

In the Case of a Mutual Company registered in Ireland,—the Court of Chancery in Ireland:

In the Case of a Mutual Company registered in Scotland,—the Court of Session in either Division thereof.

XLII. In

Liability of Members of Mutual Company to general Creditors.

XLII. In the event of a Company registered under this Act being wound up by the Court or voluntarily, every Person who at the Time of the Commencement of such Winding-up is or has within *Three* Years prior to the Commencement of such Winding-up been a Member of such Company shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts of the Company contracted with Persons not being Members of the Company, or with Members of the Company in respect of Matters in which they were not acting as Members, and the Costs, Charges, and Expenses of the Winding-up, so far as the same have been incurred in or about the Payment of such Debts, with this Exception, that no Person shall be liable to contribute in respect of any Debt of the Company contracted after the Time at which he ceased to be a Member; and that no Person shall be deemed, for the Purposes of this Section, to be a Member of the Company unless his Name is entered on such Register of Members as is herein-before mentioned.

Rights of Members of Mutual Company between themselves.

XLIII. In the event of a Company registered under this Act being wound up by the Court or voluntarily, the Rights of the Members between themselves shall be determined by the Regulations of the Company, or by Implication of Law.

Commencement of Winding-up of Company defined.

XLIV. The Winding-up shall, if the Company is wound up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

20 Vict. c. 47. s. 67.

XLV. A Mutual Company may be wound up by the Court under the following Circumstances; (that is to say,)

(1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its Business within *a Year* from its Incorporation, or suspends its Business for the Space of a whole *Year*:

(3.) Whenever the Members are reduced in Number to less than *Seven*:

(4.) Whenever the Company is unable to pay its Debts.

Company when deemed unable to pay its Debts. 20 Vict. c. 47. s. 68.

XLVI. A Company shall be deemed to be unable to pay its Debts,

(1.) Whenever a Creditor, whether a Member or not of the Company, to whom the Company is indebted, in pursuance of the Articles of Association of the Company or otherwise, in a Sum exceeding *Fifty Pounds* then due, has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company have for the Space of *Three* Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:

(2.) Whenever, in England and Ireland, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate:

(3.) Whenever, in Scotland, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made.

Manner of winding up by Court.

XLVII. A Company registered under this Act shall be wound up by the Court in manner directed by "The Joint Stock Companies Acts, 1856, 1857," with respect to Companies coming within such Acts, and all the Provisions of "The Joint Stock Companies Act, 1856," relating to such Winding-up, and contained in the Sections numbered in such Act from Sixty-nine to One hundred and one, both inclusive, with the Exception of so much of the Section numbered Seventy-three as relates to the Transfer of Shares, and also any Provisions of "The Joint Stock Companies Act, 1857," in relation to winding up, shall apply to Companies registered under this Act, with this Variation, that the Word "Member" shall throughout such Sections and Provisions be substituted for Contributory or Shareholder.

Voluntary Winding-up of Company.

Cases in which Company may be wound up voluntarily. 20 Vict. c. 47. s. 102.

XLVIII. A Mutual Company may be wound up voluntarily,

(1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:

(2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up voluntarily.

Whenever

Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound up.

Manner of voluntary winding up.

XLIX. A Company registered under this Act shall be wound up voluntarily in manner directed by "The Joint Stock Companies Act, 1856," with respect to Companies thereby empowered to be wound up voluntarily, and all the Provisions of such last-mentioned Act relating to such Winding-up, and contained in the Sections numbered in such Act from One hundred and three to One hundred and five, both inclusive, and also any Provisions of "The Joint Stock Companies Act, 1857," relating to the voluntary winding up of Companies, shall apply to Companies registered under this Act, with this Variation, that throughout such Sections and Provisions the Word "Member" shall be substituted for the Word "Shareholder" or "Contributory."

PART IV.

Registration of existing Mutual Companies.

Registration of existing Mutual Companies.

L. Any Company existing at the Time of the passing of this Act, consisting of *Seven* or more Persons, and not having a Proprietary Capital, may at any Time hereafter register itself as a Company under this Act.

Regulations for Registration by existing Companies.

LI. Previously to the Registration under this Act of any existing Company hereby authorized to be registered, there shall be delivered to the Registrar of Joint Stock Companies Two Lists, the one showing the Names, Addresses, and Occupations of the Directors or other Managers of the Company, the other showing the Names, Addresses, and Occupations of all Persons who on a Day named in such List, and not more than *Three* clear Days before the Day of Registration, were Members of such Company, also a Copy of any Act of Parliament, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company.

Authentication of Statements of Company.

LII. The Correctness of the Statements contained in any Document delivered to the Registrar shall be verified by a Declaration of the Directors or Managers of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Copartnership or Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter

Sixty-two; but no Fees shall be charged in respect of the Registration of any Company existing at the Time of the passing of this Act.

Grant of Certificate of Registration, and Effect thereof.

LIII. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and thereupon such Company shall be incorporated accordingly; and all Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, shall be deemed to be Regulations of the Company, in the same Manner as if they were contained in a registered Memorandum of Association and Articles of Association; and all the Provisions of this Act shall apply to such Company, in the same Manner in all respects as if it had been originally incorporated under this Act, subject to the following Provisoes:

(1.) That no Company shall have Power by Special Resolution to alter any Provision contained in any Act of Parliament relating to the Company:

(2.) That no Company shall have Power, without the Sanction of the Board of Trade, by Special Resolution to alter any Provisions contained in any Letters Patent relating to the Company:

(3.) That nothing herein contained shall authorize any Company by Special Resolution to alter any such Provisions contained in any Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would if such Company had originally been incorporated under this Act have been contained in the Memorandum of Association, and are not permitted to be altered by this Act:

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any existing Company by virtue of any such Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company as may have been passed or bears Date before the passing of the Act.

Certificate to be Evidence of Compliance with Act.

LIV. The Certificate of Incorporation given to any existing Company registered under this Act shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Power of Board of Trade, in certain Instances, to

LV. If any existing Company hereby authorized to be registered is, by reason of any special Circumstances attending its Constitution or Regulations, unable to comply with the Provisions of this Act relating

relating to Registration, the Board of Trade may, on the Application of such Company, either dispense with its Compliance with any one or more of the Provisions of this Act relating to Registration, or it may, by any Writing under the Hands of One of its Secretaries, empower such Company to make such Alterations in its Constitution or Regulations as will enable it to comply with the Provisions of such last-mentioned Act relating to Registration.

modify Provisions with respect to existing Companies.

LVI. When any existing Company authorized to register under this Act has obtained a Certificate of Incorporation, all Provisions contained in any General Act of Parliament regulating such Company that are inconsistent with the Provisions of this Act shall be repealed.

Repeal of inconsistent Provisions in Acts of Parliament.

LVII. The Registration under this Act of any Company existing at the Time of the passing of this Act, and hereby authorized to be registered, shall not affect or prejudice any Debt or Obligation incurred, any Contract entered into, or any Matter or Thing done by, with, or on account of such Company previously to such Registration, and all such Debts, Obligations, Contracts, Matters, and Things, shall be binding on the Company when so registered, to the same Extent as if such Registration had not taken place.

Registration under this Act not to affect Obligations incurred previously to Registration.

LVIII. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under this Act of any Company hereby authorized to be registered have been commenced by or against such Company or the Public Officer thereof may be continued in the same Manner as if such Registration had not taken place, nevertheless Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained against such Company or the Public Officer thereof in any Action, Suit, or Proceeding so commenced as aforesaid, but in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner directed by this Act.

Continuation of existing Actions and Suits.

LIX. Every Person who at or previously to the Date of the Registration under this Act of any Company hereby authorized to be registered may have been a Member of such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the Assets of the Company the same Amount that he would if this Act had not been passed have been liable at the Date of the Commencement of such Winding-up to have paid to the Company, or for or on account of any Debt of the Company in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might if this Act had not been passed have been instituted or enforced against himself or the Company, or the Public Officer thereof.

Saving of Liabilities of Persons holding Shares before Registration under Joint Stock Companies Act.

SCHEDULE.

FORM A.

MEMORANDUM of ASSOCIATION of the "Mutual London Building Company."

1st. The Name of the Company is "The Mutual London Building Company."

2d. The registered Office of the Company is to be situate in England.

3d. The Objects for which the Company is established are, "the "building of Houses in London and its Neighbourhood, to become "the Property of Members of the Company, and the doing all such "other Things as are incidental or conducive to the Attainment of "the above Object."

4th. The Funds of the Company are to be supplied by annual Contributions.

5th. The Number of Members of the Company is to be *Five hundred.*

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and of the accompanying Articles of Association.

Names and Addresses of Subscribers.

"1. John Jones of in the County of
"2. John Smith of in the County of
"3. Thomas Green of in the County of
"4. John Thompson of in the County of
"5. Caleb White of in the County of
"6. Andrew Brown of in the County of
"7. Cæsar White of in the County of

Dated the 22d Day of November 1856.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE

TABLE B.

Table of Fees.

	£	*s.*	*d.*
For Registration of a Company whose proposed Number of Members does not exceed 100 - - -	*5*	*0*	*0*
For every additional 50 Members or Number less than 50 after the first 100, an additional Fee of - - -	*0*	*5*	*0*
For Registration of a Company the Number of whose Members is unlimited, a Fee of - - - -	*50*	*0*	*0*
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - - -	*0*	*5*	*0*
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - - - -	*0*	*5*	*0*
Documents, per Folio - - - - - -	*0*	*0*	*6*

A

BILL

For the Incorporation of Mutual Companies.

(*Prepared and brought in by Mr. Wilson, the Chancellor of the Exchequer, and Mr. Lowe.*)

Ordered, by The House of Commons, *to be Printed*, 6 *July* 1857.

[Bill 108.]

Under 3 oz.

A

BILL

TO

Amend the Act for granting a Representative Constitution to the Colony of New Zealand.

WHEREAS it is expedient that an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Seventy-two, to grant a Representative Constitution to the Colony of New Zealand, should be amended by repealing certain Clauses thereof, whereby certain Charges were imposed on the territorial Revenue of the said Colony, for which Charges other Provision has been or is intended to be made, and making further and other Provision for enabling the General Assembly of New Zealand to alter the Enactments thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 72.

I. Sections Sixty-seven, Sixty-eight, Sixty-nine, and Seventy-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, and so much of Section Seventy-two of the said Act as authorizes and requires the Governor to pay out of the Revenue arising from the Disposal of Waste Lands of the Crown Sums on account of the Purchase Sections 67, 68, 69. and 74. of recited Act repealed.

of Land from aboriginal Natives, or the Release or Extinguishment of their Rights, and Sums payable to the New Zealand Company, are hereby repealed.

Power to General Assembly of New Zealand to vary the Provisions of the Act, with the Exceptions herein named.

II. It shall be lawful for the said General Assembly of New Zealand by any Act or Acts from Time to Time to alter, suspend, or repeal all or any of the Provisions of the said Act, except such as are herein-after specified; namely,

So much of the said Act as repeals former Acts, Letters Patent, Instructions, and Orders in Council:

The Provisions contained in Sections Three, Eighteen (save the Exception therein contained), Twenty-five, Twenty-eight, Twenty-nine, Thirty-two, Forty-four, Forty-six, Forty-seven, Fifty-three, Fifty-four, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty-one, Sixty-four (save so much as charges the Civil List on the Revenues arising from the Disposal of Waste Lands of the Crown), Sixty-five, Seventy-one, Seventy-three, and Eighty of the said Act:

But no such Act of the General Assembly as aforesaid which shall alter, suspend, or repeal any of the Provisions contained in Section Nineteen of the said Act shall have any Force or Effect unless the same shall have been reserved for the Signification of Her Majesty's Pleasure thereon, and until the Governor of New Zealand shall have signified, as provided by the said Act, that Her Majesty has been pleased to assent to the same.

Commencement of Act.

III. This Act shall be proclaimed in New Zealand by the Governor or Person administering the Government thereof within *Six* Weeks after a Copy of such Act shall have been received by such Governor, and shall take effect in New Zealand from the Day of such Proclamation.

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Act Amendment.

A

BILL

To amend the Act for granting a Representative Constitution to the Colony of New Zealand.

(*Prepared and brought in by Mr. Secretary Labouchere and Mr. Chichester Fortescue.*)

Ordered, by The House of Commons, *to be Printed*, 20 *July* 1857.

[Bill 140.]

Under 1 *oz.*

A

BILL

TO

Guarantee a Loan for the Service of New Zealand.

WHEREAS by an Act of the General Assembly of New Zealand passed in the Twentieth Year of Her Majesty, intituled "An Act for raising a Loan of Five hundred "thousand Pounds for the Public Service of the Colony of New "Zealand," it was enacted, that it should be lawful for Her Majesty, Her Heirs and Successors, to appoint One or more Person or Persons to be an Agent or Agents in England for the Purpose of raising and managing the Loan or Loans proposed to be raised under and by virtue of that Act, and that such Agent or Agents should have full Power and Authority to borrow and raise in Great Britain, by Bonds, Debentures, or otherwise, such Sums not exceeding in the whole the Sum of Five hundred thousand Pounds Sterling as the Lords Commissioners of Her Majesty's Treasury or any Three of them should, at the Request of the Governor or Officer administering the Government of the Colony of New Zealand, from Time to Time determine and direct; and that every Bond, Debenture, or other Security granted under that Act should bear Interest after a Rate not exceeding Four Pounds for every One hundred Pounds by the Year, should be for such Sum and in such Form, should be signed on behalf of the said Colony, and should be transferable and negotiable in such Manner, Preamble.

as such Agent or Agents should prescribe, and that the Interest on every such Bond, Debenture, or other Security should be payable at such Times and Place in London as should be fixed and named for that Purpose in such Bond, Debenture, or other Security; and that all Sums of Money borrowed and raised under the Authority of that Act, and Interest thereon, should be made a First Charge upon the General Revenue of the Colony of New Zealand; and that the Money to be borrowed under the Authority of the said Act should be applied, in such Manner as the Lords Commissioners of Her Majesty's Treasury or any Three of them should from Time to Time direct and appoint, to the several Purposes specified and set forth in the Schedule to that Act; and that the Principal Sums so to be borrowed and raised as aforesaid should be made payable and repaid at the Expiration of Thirty Years from the several Days on which they should respectively be borrowed and raised as aforesaid; and that for the Purpose of paying the said Interest and providing a Sinking Fund for the Liquidation of the Principal there should be paid yearly out of the general Revenue of the Colony, to such Persons as Her Majesty should appoint, such Sum as should be equal to Six per Cent. per Annum on the Total of the Principal from Time to Time borrowed, and after paying the Interest thereout as the same should from Time to Time become due the Balance thereof should be set apart as a Sinking Fund, and should be invested by such Person or Persons in the Purchase of such Securities as the Lords Commissioners of Her Majesty Treasury or any Three of them should from Time to Time direct, and should be increased by Accumulation in the way of Compound Interest or otherwise; and for the Purposes of that Act the general Revenue of the Colony of New Zealand should be deemed and taken to include all the Revenue which should arise from Duties of Import and Export, from Post Office Receipts, and Supreme Court Fees, from the Disposal of Waste Lands of the Crown, and from all Taxes, Duties, Rates, and Imposts levied or to be levied by virtue of any Act of the General Assembly of New Zealand: And whereas it is expedient to guarantee as herein-after mentioned the Payment of the Sums to be borrowed under the said Act of the General Assembly of New Zealand, with Interest thereon not exceeding the Rate in the said Act limited: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sums borrowed under recited Act not exceeding 500,000*l.* and Interest guaranteed.

I. The Liquidation of all such Sums, not exceeding in the whole the Sum of *Five hundred thousand Pounds*, as shall be borrowed and raised in Great Britain under the said recited Act of the General Assembly of New Zealand, with the Approbation of the Commissioners of Her Majesty's Treasury, together with the Interest thereon not exceeding the

the yearly Rate of *Four Pounds* for One hundred Pounds, shall be guaranteed under this Act; and for giving Effect to such Guarantee it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such Sums as shall be required to make good any Deficiency which shall happen in the regular Payment, on the Part of New Zealand, of the Interest accruing due upon such Sums as shall be borrowed as aforesaid, or in the Liquidation of the Principal Sums when the same shall become payable.

Advances out of Consolidated Fund to be charged on Revenues of New Zealand.

II. All the Sums which shall be so issued and paid out of the said Consolidated Fund in respect of the Interest of the Sums borrowed as aforesaid, or the Liquidation of the Principal Sums, with Interest upon the Sums so issued after the yearly Rate of *Five Pounds* for One hundred Pounds, to be computed from the several Times of issuing the same, shall be charged upon the general Revenues of the Colony of New Zealand, including all the Revenue which is deemed to be included therein for the Purposes of the said recited Act of Assembly.

No Act of New Zealand varying the Security for the Money borrowed and Interest to be valid unless confirmed by Her Majesty in Council.

III. No Act passed by the Legislature of New Zealand in anywise discharging or varying the Security expressed to be given by the said recited Act of Assembly for the Repayment of the Sums of Money borrowed under such Act, and the Interest thereon, shall be valid, unless such Act contain a Clause suspending the Operation of the same until Her Majesty's Pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the Advice of Her Privy Council, and a Proclamation of such Confirmation having been given shall have been made by the Governor or Person administering the Government of the said Colony.

Certificate of Amount paid out of Consolidated Fund to be sent to New Zealand.

IV. The Commissioners of Her Majesty's Treasury shall from Time to Time certify to One of Her Majesty's Principal Secretaries of State the Amount so paid from Time to Time on account of the Interest or Principal of the Sums borrowed as aforesaid; and such Certificate shall be communicated to the Governor or Person administering the Government of New Zealand, and shall be by him communicated to the General Assembly of the said Colony; and such Certificate shall be conclusive Evidence of the Amount so paid out of the Consolidated Fund of the said United Kingdom, and of the Time when the same was paid on account of the Interest or Principal of the Sums so borrowed.

Accounts to be laid before Parliament.

V. The Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament, within Fourteen Days next after the Beginning of every Session, an Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom by virtue of this Act towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from New Zealand by reason of such Advance, with the Interest paid or recovered thereon.

New Zealand Loan Guarantee.

A

B I L L

To guarantee a Loan for the Service of New Zealand.

(Prepared and brought in by Mr. FitzRoy, Mr. Secretary Labouchere, and Mr. Chichester Fortescue.)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1857.

[Bill 149.]

Under 1 *oz.*

Sales of Waste Lands (New Zealand).

ARRANGEMENT OF CLAUSES.

Preamble.

Payment of a Sum to the New Zealand Company to be in full of their Claim for Balance of £268,370 15*s.* and Interest; Sect. 1.

Act not to prejudice Claims against Her Majesty; 2.

Act to be in force in Her Majesty's Dominions; 3.

Short Title; 4.

A

BILL

FOR

Discharging Claims of the New Zealand Company on the Proceeds of Sales of Waste Lands in New Zealand.

WHEREAS by an Act of the Session of the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred and twelve, intituled "An Act to promote Colo- "nization in New Zealand, and to authorize a Loan to the New Zealand "Company," it was enacted (by Section Nineteen), that if the Directors of the New Zealand Company should give Notice to One of Her Majesty's Principal Secretaries of State within Three Calendar Months next after the Fifth Day of April One thousand eight hundred and fifty, by any Instrument under the Seal of the Company, that they were ready to surrender the Charters of the Company to Her Majesty, and all Claim and Title to the Lands granted or awarded to them in the Colony of New Zealand, all the Powers and Privileges of the Company, except such as should be necessary for enabling the Directors to receive the several Sums of Money therein-after mentioned and to distribute the same among the Shareholders and other Persons entitled thereunto, and for enabling the Directors to adjust and close the Affairs of the Company, should cease and determine, and all the Lands, Tenements, and Hereditaments of the Company Preamble.

in the Colony should thereupon revert to and become vested in Her Majesty, as Part of the Demesne Lands of the Crown in New Zealand, subject, nevertheless, to any Contracts which should be then subsisting in regard to any of the Lands, and upon the Condition of satisfying any Liabilities to which the Company might then be liable under their existing Engagements with reference to the Settlement at Nelson, or any Liabilities of the Company which during the Suspension of the Instructions therein referred to should have been contracted by them, with the Consent of the Special Commissioner provided for by the now-reciting Act, and all Claims of the Company to any further Grant of Land should cease; and also (by Section Twenty) that, upon the Reversion as aforesaid to Her Majesty of the Lands belonging to the Company, all Claim on behalf of Her Majesty, or of the Commissioners of Her Majesty's Treasury, in respect of either the Loan of One hundred thousand Pounds therein referred to, or the Loan authorized by the now-reciting Act, or of so much as should then remain due and unpaid, should be remitted to the Company, and there should be charged and paid to the Company, out of the Proceeds of all future Sales of the Demesne Lands of the Crown in New Zealand, after deducting the Outlays for Surveys and the Proportion of such Proceeds which was appropriated to the Purpose of Emigration, the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, being after the Rate of Five Shillings for each Acre of the One million seventy-three thousand four hundred and eighty-three Acres to the Proportion of which the Company were then entitled, including therein Twenty-four thousand four hundred and ninety-one Acres and Half an Acre purchased by the Company within their own Settlements, and then held as their private Estate, with Interest after the yearly Rate of Three Pounds Ten Shillings in the Hundred Pounds upon that Sum, or so much thereof as should from Time to Time remain due and unpaid, to be computed from the Day of the Delivery of such Notice; and also (by Section Twenty-one) that the Receipt by Two of the Directors of the Company, authorized to give such Receipt by any Resolution under the Seal of the Company, should be a sufficient Acknowledgment of the Payment or Advance of any Moneys authorized by the now-reciting Act to be paid or advanced to the Company, and that neither the Special Commissioner nor the Commissioners of Her Majesty's Treasury should be bound to see to the due Application of the Moneys, otherwise than is in the now-reciting Act provided: And whereas the Notice provided for by Section Nineteen of the recited Act was duly delivered by the Directors of the Company on the Fourth Day of July One thousand eight hundred and fifty, and thereupon, under the Provisions of that Act, all the Lands, Tenements, and Hereditaments of the Company in

in the Colony reverted to and became vested in Her Majesty, as Part of the Demesne Lands of the Crown in New Zealand, subject, nevertheless, as by that Act is provided, as herein-before recited: And whereas by an Act of the Session of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Seventy-two, intituled "An "Act to grant a Representative Constitution to the Colony of New "Zealand," it was enacted (by Section Sixty-two), that the Governor of New Zealand should pay out of the Revenue arising from the Disposal of Waste Lands of the Crown (among other Sums) such Sums as might become payable to the Company under the Provisions of the now-reciting Act in respect of the Sale or Alienation of Land; and (by Section Seventy-two) that all Lands wherein the Title of Natives should be extinguished, as therein-after mentioned, and all such other Lands as were described in the first-recited Act as Demense Lands of the Crown, should be deemed and taken to be Waste Lands of the Crown, within the Meaning of the now-reciting Act; and (by Section Seventy-four), after reciting that under and by virtue of the first-recited Act and the recited Notice given by the Company in pursuance thereof, the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, with Interest after the yearly Rate of Three Pounds Ten Shillings per Centum upon that Sum, or so much thereof as should from Time to Time remain unpaid, was charged upon and payable to the Company out of the Proceeds of the Sales of the Demense Lands of the Crown in New Zealand, it was enacted, that in respect of all Sales or other Alienations of any Waste Lands of the Crown in New Zealand in Fee Simple, or for any less Estate or Interest (except as therein is excepted), there should be paid to the Company, towards the Discharge of the Principal Sum and Interest charged as aforesaid, in lieu of all and every other Claim of the Company in respect of that Sum, except where otherwise therein-after provided, so long as the same or any Part thereof respectively should remain unpaid, One Fourth Part of the Sum paid by the Purchaser in respect of every such Sale or Alienation: Provided always, that it should be lawful for the Company, by any Resolution of a Majority of the Proprietors of the Company, as therein expressed, to release all or any Part of the Lands from the Moneys or Payments charged thereon by the first-recited Act or the now-reciting Act, or any Part of such Moneys or Payments, either absolutely or upon any Terms or Conditions, as such Proprietors might think fit: And whereas divers Payments, amounting in the whole to One hundred and two thousand seven hundred and three Pounds, or thereabouts, have been made to the Company on account of the Sum so charged and the Interest thereon: And whereas the Company are willing to accept the immediate Payment of a Sum less than the Residue now unpaid of the

Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and the Interest thereon, in full Satisfaction and Discharge thereof, instead of waiting for the Payment of the whole Amount by Instalments and at uncertain Times; and it is expedient that Payment of a Sum, as by this Act provided, be made to them accordingly, and that the Sum so paid be distributed among the Shareholders of the Company: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Payment of a Sum to the New Zealand Company to be in full of their Claim for Balance of 268,370*l.* 15*s.* and Interest.

I. If, on or before the *Fifth Day of April One thousand eight hundred and fifty-eight*, there be paid in One Sum, or by Instalments to the New Zealand Company, on the Receipt authorized by the first-recited Act, for immediate Distribution, a Sum equal to the Balance on the Day of such Payment remaining unpaid of the Sum of *Two hundred and sixty-eight thousand three hundred and seventy Pounds fifteen Shillings*, and the interest thereon, less *Sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings*, then, on that Payment being so made, it shall be in full Satisfaction and Discharge of all such Part as is then unpaid of the Sum of *Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings*, and the Interest thereon, and of all and every Claim of the Company in respect of that Sum, and the Interest thereon, and the Sum so paid, shall be forthwith distributed and paid by the Company to and among the several Shareholders of the Company and other Persons entitled thereunto; and the Payments to the Shareholders shall be in rateable Proportion to their respective Payments on Shares in the Capital of the Company, and shall be made to the several Persons who from Time to Time are registered in the Books of the Company as the Holders of Shares in the Capital of the Company: Provided, that where Two or more Persons are registered as the Holders of any Share, any Payment in respect of the Share may be made to the joint Holders thereof, or any One or more of them, and their or his Receipt shall be an effectual Discharge for the Money so paid: Provided also, that if and where any Shareholder is in Debt to the Company they may retain and apply any Money payable to him under this Act, or a sufficient Part thereof, in or towards Satisfaction of the Debt, and that whether the Debt be due from him alone or from him jointly with any other Person or Persons, and whether such Person or such Persons, or any of them, be a Shareholder or Shareholders, or not: Provided also, that where, after diligent Inquiry, the Person to whom any Money is payable under this Act, or his Address, is unknown to the Company, or he fails to accept it, or to apply to them for it, they may pay it into

into the High Court of Chancery, under any Act from Time to Time in force for the Relief of Trustees.

II. Provided always, That this Act, and everything therein contained, shall be subject and without Prejudice to all Claims and Demands whatsoever against Her Majesty, under and by virtue of Sections Nineteen and Twenty of the recited Act of the Session of the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred and twelve. Act not to prejudice Claims against Her Majesty.

III. This Act shall be in force throughout Her Majesty's Dominions. Act to be in force in Her Majesty's Dominions.

IV. This Act may for all Purposes be cited as "New Zealand Waste Lands Act, 1857." Short Title.

Sales of Waste Lands (New Zealand).

A

BILL

For discharging Claims of the New Zealand Company on the Proceeds of Sales of Waste Lands in New Zealand.

(*Prepared and brought in by Mr. John Abel Smith, Mr. Mangles, and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1857.

[Bill 145.]

Under 1 *oz.*

15 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration.

WHEREAS it is expedient that One Oath should be substituted for the Oaths of Allegiance, Supremacy, and Abjuration now required by Law: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Instead of the Oaths of Allegiance, Supremacy, and Abjuration where the same are now by Law required to be taken and taken and subscribed respectively, the following Oath shall be taken and subscribed: Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.

'I A. B. do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which shall be made against Her Person, Crown, or Dignity, and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do

'faithfully

Oaths.

A

BILL

To substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration.

(*Prepared and brought in by Mr. FitzRoy, Viscount Palmerston, Sir George Grey, and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 15 *May* 1857.

[Bill 22.]

Under 1 *oz.*

A

BILL

TO

Amend the Act First and Second Victoria, c. 105., intituled "An Act for removing Doubts as to "the Validity of certain Oaths."

Preamble.

WHEREAS in all Cases in which the Sanction of an Oath is required the Oath ought, by the Common Law, to be administered in such Manner as will render it most effective and binding on the Conscience of the Person to be sworn; but Doubts have arisen whether such Rule of the Common Law be applicable to Cases in which a special Form of Abjuration or special Words of Asseveration are prescribed by Statute: For the Removal of such Doubts, be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,—

Oaths taken in such Form of Words and with such Solemnities as a Person shall declare to be binding on his Con-

I. That, notwithstanding any Statute or Usage to the contrary, whenever any Person to whom an Oath is tendered shall object to its Administration in the prescribed or accustomed Form, or in the prescribed Words of Asseveration, and the same shall be administered to him in such Form of Words and with such Solemnities as he shall declare to be binding on his Conscience, the Oath when so administered shall be deemed to have been lawfully administered and taken;

science to be deemed to have been lawfully administered and taken.

taken; and every Person so taking the Oath shall, if guilty of False Swearing, be liable to Conviction for Perjury, and shall be subject to every other Consequence and entitled to every Benefit to which he would have been subject or entitled if the Oath had been administered in the prescribed or accustomed Form, and with the prescribed Words of Asseveration, and the prescribed or accustomed Solemnities.

Oaths Validity Act Amendment.

A

B I L L

To amend the Act First and Second Victoria, c. 105., intituled "An Act for "removing Doubts as to the Validity "of certain Oaths."

(Prepared and brought in by Lord John Russell, Sir James Graham, and Mr. John Abel Smith.)

Ordered, by The House of Commons, *to be Printed,* 21 *July* 1857.

[Bill 144.]

Under 1 *oz.*

Offences against the Person Bill.

REPORT.

THIS Bill has been framed principally with reference to the 9 Geo. 4. c. 31. (Lord Lansdowne's Act), and incorporates the Enactments which have subsequently been passed relating to Injuries to the Person.

It consolidates the following Acts and Parts of Acts:

1 Geo. 4. c. 4.
7 & 8 Geo. 4. c. 18.
9 Geo. 4. c. 31.
2 & 3 Will. 4. c. 75. s. 16.
4 & 5 Will. 4. c. 26. s. 1.
6 & 7 Will. 4. c. 30. s. 2.
7 Will. 4. and 1 Vict. c. 85.
7 Will. 4. and 1 Vict. c. 89. s. 7.
3 & 4 Vict. c. 97. s. 15.
4 & 5 Vict. c. 56. s. 3.
9 & 10 Vict. c. 25. ss. 3, 4, 5, 6. 8. 12, 13, 14.
12 & 13 Vict. c. 76. s. 1.
14 & 15 Vict. c. 11. ss. 1. 6, 7.
14 & 15 Vict. c. 19. ss. 3, 4, 5, 6, 7. 12.
14 & 15 Vict. c. 100. s s. 4. 29.
16 & 17 Vict. c. 30. s. 1.

This Bill contains certain Amendments, all of which were very carefully considered and approved by a Committee of the House of Lords in 1853, with the Exception of the one next herein-after mentioned.

Under the 9 Geo. 4. c. 31. s. 7., where Murder or Manslaughter is committed on Land abroad, and the Offender is apprehended in England, it is necessary to issue a Special Commission for his Trial. This leads to unnecessary Expense and Trouble; and as in the following Year the Offences against the Person Act for Ireland, 10 Geo. 4. c. 34., made such Offenders triable under the ordinary Commissions, and the Act for the Trial of Offences committed within the Jurisdiction of the Admiralty, 7 & 8 Vict. c. 2., has made those Offences so triable also, it has been thought proper that by Section 8. of this Bill the Trial of Murder and Manslaughter on Land abroad should be placed on the same Footing. This was not considered by the Lords' Committee.

In Sections 10. and 11. a few Words have been introduced in order to include certain Attempts to poison, which had been held not to fall within the existing Enactments: As, where a Man delivered Poison to A, with Directions to administer the Poison to B, it was held that he was not within the Statute.

In Sections 10. 12. and elsewhere, where the present Enactments have the Three Words, "cut," "stab," "wound," the Two former have been omitted, as every Stab or Cut is a Wound, and the only Effect of the present Law is to lengthen Indictments.

Section 13. has been introduced to obviate the Effect of several Decisions as to attempting to discharge loaded Arms by drawing a Trigger. It is plain that the present Enactment was intended to apply where the Barrel contained a Charge, but by some Means or other the Gun missed fire, yet the Decisions render it very doubtful whether any Conviction can be obtained in any Case where the Gun misses fire, as it is not very easy to suppose any Case where the Gun misses fire unless there be some Defect in the Priming or Copper Cap. If a Gun be loaded with Powder and Ball or Shot, and a Man, intending to shoot another, pulls the Trigger, it would seem but reasonable that he should be within the Clause, from whatever Cause the Gun may happen to miss fire. His Intent and Act are just as criminal, and calculated to create just as much Terror and Resistance, as if the Priming were in the most perfect Order, as the Person at whom the Gun is presented cannot know whether the Gun will go off or not.

Section 23. has been extended so as to include the setting fire to the Tackle of and the Goods in a Ship, in like Manner as several Enactments have been extended to the setting fire to Goods in Buildings.

A Difference of Opinion has existed among some of the Judges as to whether, on a Charge of doing certain Acts "with Intent to murder," it be necessary to prove affirmatively that such an Intent actually existed in the Mind of the Prisoner at the Time, or whether it be not sufficient to prove that the Act was done under such Circumstances that if Death had ensued the Offence would have amounted to Murder; and Section 24. has been framed to settle this Difference of Opinion.

At present a great Anomaly prevails in Cases of Attempts to commit Murder. Sundry of them are made Felony and highly penal, whilst the Remainder are merely Misdemeanors at Common Law, and

and on precisely the same Footing as any Attempt to commit any other Felony, however trifling, Imprisonment and Hard Labour being their greatest Punishment. It is obvious that upon *Principle* all Attempts to commit Murder should be of the same Class, and equally clear that the Court should have Authority to award a higher Punishment for such as are only Misdemeanors at present. Section 25., therefore, makes all such Attempts Felony, and punishable by Seven Years Penal Servitude. The only Question that remains is, whether a higher Punishment might not be given, as Cases of extreme Enormity may fall within this Clause; *e.g.*, where a Man partly cuts through the Rope used in letting down Colliers into a Coal-pit, intending that it may be broken by their Weight.

Section 26. has been extended to the Case where a Person is prevented in his Endeavour to save the Life of another Person.

Section 33. has had several Words inserted, in order to make it include Cases of Parents and others who, being legally liable to support Children and others, neglect their Duty, and thereby the Health of such Persons is injured.

Section 34. has been framed in the Hopes that it may put a Check to the novel Form of Robbery called Garotte Robbery. The Provision in Section 35. had been so effectual in repressing the Administration of Chloroform, that it was anticipated a similar Enactment, *striking directly* at the Acts done, would be equally beneficial. The Clause extends to all Attempts to commit any Felony by the Means therein mentioned.

Section 36. underwent much Discussion in the Lords' Committee, and was framed expressly to repress the too prevalent Ill-treatment of Women and Children, by giving a much more severe Punishment than can now be awarded in such Cases.

In Section 52. a few Words are inserted to protect all Females who have any Interest in any Property.

At present there is no Enactment against the Abduction of Females who have no Property. It seemed but reasonable, especially in an Act for the Protection of the Person from Violence, that their Abduction should be made penal; and Section 53. has been inserted for that Purpose.

The present Enactment as to attempting to procure Abortion does not extend to the Woman herself, but it has been so extended by Section 57. in case the Woman be pregnant, but not otherwise.

The present Clause as to Concealment of the Birth only applies to the Mother. It not unfrequently happens that the Evidence only proves Concealment by others, and this in Cases where there is grave Suspicion of foul Play. Section 58., therefore, has been extended to all Persons endeavouring to conceal the Birth.

The Provision in Section 67. as to Prosecutions being conducted by Parish Officers only applies to certain Cases, and omits some where it would seem more necessary than in any mentioned in it; *e.g.*, the Murder of a Pauper. It might safely be extended to all the Offences against this Act where Two Justices certified that the Case was one in which it was expedient to the Ends of Justice that the Prosecution should be so conducted.

Offences against the Person Bill.

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As

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A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of England relating to Offences against the Person.

[Note.—*The Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to consolidate and amend the Statute Law of England relating to Offences against the Person: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Whosoever shall be convicted of Murder shall suffer Death as a Felon. Murder. 9 G. 4. c. 31. s. 3.

II. After every Conviction for Murder, Sentence of Death shall be pronounced, but it shall not be necessary to express the Time for the Execution thereof, and the Judge shall have the same Power in all respects as after Convictions for other Capital Offences. Sentence for Murder. 6 & 7 W. 4. c. 30. s. 2. 9 G. 4. c. 31. s. 4.

III. The Body of every Person executed for Murder shall be buried within the Precincts of the Prison in which he shall have been last confined after Conviction, and the Sentence of the Court shall so direct. Body, after Execution where to be buried. 2 & 3 W. 4. c. 75. s. 16. 4 & 5 W. 4. c. 26. s. 1.

Manslaughter.
9 G. 4. c. 31. s. 9.

IV. Every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, —or to pay such Fine as the Court shall award, in addition to or without any such other discretionary Punishment as aforesaid.

Indictment for Murder or Manslaughter.
14 & 15 Vict. c. 100. s. 4.

V. In any Indictment for Murder or Manslaughter it shall not be necessary to set forth the Manner in which or the Means by which the Death of the Deceased was caused, but it shall be sufficient in any Indictment for Murder to charge that the Defendant did feloniously, wilfully, and of his Malice aforethought kill and murder the Deceased, and it shall be sufficient in any Indictment for Manslaughter to charge that the Defendant did feloniously kill and slay the Deceased.

Excusable Homicide.
9 G. 4. c. 31. s. 10.

VI. No Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune or in his own Defence, or in any other Manner without Felony.

Petit Treason.
9 G 4. c. 31. s. 2.

VII. Every Offence, which, before the Commencement of the Act of the Ninth Year of King George the Fourth, Chapter Thirty-one, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder.

Murder or Manslaughter abroad.
9 G. 4. c. 31. s. 7.

VIII. If any of Her Majesty's Subjects shall be charged in England with any Murder or Manslaughter, or with being accessory before the Fact to any Murder, or after the Fact to any Murder or Manslaughter, the same being respectively committed on Land out of the United Kingdom, whether within the Queen's Dominions or without, it shall be lawful for any Justice of the Peace of the County or Place where the Person so charged shall be, to take cognizance of the Offence so charged and to proceed therein as if the same had been committed within the Limits of his ordinary Jurisdiction; and if any Person so charged shall be committed for Trial, or admitted to Bail to answer such Charge, the Offence so charged may be dealt with, inquired of, tried, determined, and punished in the same Place and in the same Manner as if the Offence had been actually committed in the County or Place in which such Person shall be apprehended or be in Custody: Provided, that nothing herein contained shall prevent any Person from being tried in any Place out of this Kingdom for any Murder or Manslaughter committed out of this Kingdom,

in

in the same Manner as such Person might have been tried before the passing of this Act.

Provision for the Trial of Murder and Manslaughter where the Death or Cause of Death only happens in England. 9 G. 4. c. 31. s. 8.

IX. Where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of England, shall die of such Stroke, Poisoning, or Hurt in England, or being feloniously stricken, poisoned, or otherwise hurt at any Place in England, shall die of such Stroke, Poisoning, or Hurt, upon the Sea, or at any Place out of England, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being Accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in the County or Place in England in which such Death, Stroke, Poisoning, or Hurt shall happen, in the same Manner in all respects as if such Offence had been wholly committed in that County or Place.

Administering Poison, or wounding, with Intent to murder. 7 W. 4. and 1 Vict. c. 85. s. 2.

X. Whosoever shall administer to, or cause to be administered to or to be taken by any Person, any Poison or other destructive Thing, or shall by any Means whatsoever wound or cause any grievous bodily Harm to any other Person, with Intent, in any of the Cases aforesaid, to commit Murder, shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Attempting to administer Poison, or shooting or attempting to shoot, or attempting to drown, &c., with Intent to murder. 7 W. 4. and 1 Vict. c. 85. ss. 3. 8.

XI. Whosoever shall attempt to administer to, or shall attempt to cause to be administered to or to be taken by, any Person any Poison or other destructive Thing, or shall shoot at any Person, or shall, by drawing a Trigger or in any other Manner, attempt to discharge any kind of loaded Arms at any Person, or shall attempt to drown, suffocate, or strangle any Person, with Intent, in any of the Cases aforesaid, to commit Murder, shall, although no bodily Injury be effected, be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Shooting or attempting to shoot, or wounding, with Intent to do grievous bodily Harm. 7 W. 4. and 1 Vict. c. 85. ss. 4. 8.

XII. Whosoever shall unlawfully and maliciously shoot at any Person, or, by drawing a Trigger or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or wound any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable any Person, or to do some other grievous bodily Harm to any Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of any Person, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than

Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

What shall constitute loaded Arms.

XIII. Any Gun, Pistol, or other Arms, which shall be loaded in the Barrel with Gunpowder, Ball, Shot, or other destructive Materials, shall be deemed to be loaded Arms within the Meaning of this Act, although the Attempt to discharge the same may fail from Want of proper priming, or from any other Cause.

Inflicting bodily Injury with or without Weapon.
14 & 15 Vict. c. 19. s. 4.

XIV. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily Harm upon any other Person, either with or without any Weapon or Instrument, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Party accused may be acquitted of the Felony, and found guilty of the Misdemeanor of wounding.
14 & 15 Vict. c. 19. s. 5.

XV. If upon the Trial of any Indictment for any Felony, except Murder or Manslaughter, where the Indictment shall allege that the Party accused did wound any Person, the Jury shall be satisfied that the Party accused is guilty of the wounding charged in such Indictment, but are not satisfied that he is guilty of the Felony charged in such Indictment, then and in every such Case the Jury may acquit him of such Felony, and find him guilty of unlawfully wounding; and thereupon he shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for the Misdemeanor of wounding.

Causing bodily Injury by Gunpowder.
9 & 10 Vict. c. 25. ss. 3. 5. 11.

XVI. Whosoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, burn, maim, disfigure, disable, or do any grievous bodily Harm to any Person, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping.

Causing Gunpowder to explode, or sending to any Person an explosive Substance, or throwing corrosive Fluid on a Person, with Intent to do grievous bodily Harm.

XVII. Whosoever shall unlawfully and maliciously cause any Gunpowder or other explosive Substance to explode, or send or deliver to or cause to be taken or received by any Person any explosive Substance or any other dangerous or noxious Thing, or put or lay at any Place, or cast or throw at or upon or otherwise apply to any Person, any corrosive Fluid or other destructive or explosive Substance, with Intent, in any of the Cases aforesaid, to burn, maim, disfigure,

disfigure, or disable any Person, or to do some grievous bodily Harm to any Person, shall, whether any bodily Injury be effected or not, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping. 9 & 10 Vict. c. 25. ss. 4, 5, 9, 11.

Placing Gunpowder near a Building, with Intent to do bodily Injury to any Person. 9 & 10 Vict. c. 25. ss. 6. 9. 11.

XVIII. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any Building or Vessel any Gunpowder or other explosive Substance, with Intent to do any bodily Injury to any Person, shall, whether or not any Explosion take place, and whether or not any Injury is effected to any Person, be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years, —or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping.

Destroying or damaging a Building with Gunpowder, with Intent to murder. 9 & 10 Vict. c. 25. ss. 2. 5. 9. 11.

XIX. Whosoever, by the Explosion of Gunpowder or other explosive Substance, shall destroy or damage any Building, with Intent to commit Murder, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping.

Making or having Gunpowder, &c., with Intent to commit any of the Offences in the Foour preceding Sections. 9 & 10 Vict. c. 25. ss. 8. 9. 11.

XX. Whosoever shall knowingly have in his Possession, or make or manufacture, any Gunpowder, explosive Substance, or any dangerous or noxious Thing, or any Machine, Engine, Instrument, or Thing, with Intent by means thereof to commit, or for the Purpose of enabling any other Person to commit, any of the Offences in the Four last preceding Sections of this Act mentioned, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping.

Justices may issue Warrants for searching Houses, &c., in which explo-

XXI. Any Justice of the Peace of any County or Place in which any Gunpowder, or other explosive, dangerous, or noxious Substance is

sive Substances are suspected to be made for the Purpose of committing Offences.
9 & 10 Vict. c. 25. s. 12.

is suspected to be made or kept for the Purpose of being used in committing any Offence under any of the Five last preceding Sections of this Act, upon reasonable Cause assigned upon Oath by any Person, may issue a Warrant under his Hand and Seal for searching, in the Daytime, any House, Shop, Cellar, Yard, or other Place, or any Waggon, Cart, or Vessel, in which such Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for such Purposes as herein-before mentioned; and every Person acting in the Execution of any such Warrant shall have for seizing, removing to proper Places, and detaining all such Gunpowder, explosive, dangerous, or noxious Substances, found upon such Search, which he shall have good Cause to suspect to be intended to be used in committing any such Offence, and the Barrels, Packages, and Cases in which the same shall be, the same Powers and Protections which are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by the Act of the Twelfth Year of King George the Third, Chapter Sixty-one, intituled "An Act to "regulate the making, keeping, and Carriage of Gunpowder within "Great Britain, and to repeal the Laws heretofore made for any of "those Purposes."

12 G. 3. c. 61.

A Person loitering at Night, and suspected of any Offence against the last preceding Sections, may be apprehended.
9 & 10 Vict. c. 25. ss. 13. 14.

XXII. Any Constable or Peace Officer may take into Custody, without a Warrant, any Person whom he shall find lying or loitering in any Highway, Yard, or other Place, during the Night, and whom he shall have good Cause to suspect of having committed or being about to commit any Felony against any of the Six last preceding Sections of this Act, and may detain such Person until he can be brought before a Justice of the Peace, to be dealt with according to Law: Provided, that no such Person shall be detained after Noon of the following Day without being brought before a Justice.

Setting fire to or casting away a Ship with Intent to murder.
7 W. 4. and 1 Vict. c. 89. s. 4.

XXIII. Whosoever shall set fire to any Ship or Vessel, or any Part thereof, or any Part of the Tackle, Apparel, or Furniture thereof, or any Goods being therein, or shall cast away or destroy any Ship or Vessel, with Intent in any of such Cases to commit Murder, shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Where the Case would be Murder if Death ensued the Offender to be deemed to have intended to murder.

XXIV. Whosoever shall do any of the Acts mentioned in Sections Ten, Eleven, Nineteen, and Twenty-three of this Act, under such Circumstances that, if Death had ensued, the Offender would have been guilty of Murder, shall be deemed to have done the same with Intent to Murder.

By any other Means attempting to commit Murder.

XXV. Whosoever shall, by any Means other than those specified in Sections Ten, Eleven, Nineteen, and Twenty-three of this Act, attempt

attempt to commit Murder, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Impeding a Person endeavouring to save himself from Shipwreck. 7 W. 4. and 1 Vict. c. 89. ss. 7. 12.

XXVI. Whosoever shall unlawfully and maliciously prevent or impede any Person being on board of or having quitted any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, in his Endeavour to save his Life, or the Life of any other Person, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Setting Spring Guns, &c. with Intent to inflict grievous bodily Harm. 7 & 8 G. 4. c. 18. ss. 1—4.

XXVII. Whosoever shall set or place or cause to be set or placed any Spring Gun, Man Trap, or other Engine calculated to destroy Human Life or inflict grievous bodily Harm, with the Intent that the same or whereby the same may destroy or inflict grievous bodily Harm upon a Trespasser or other Person coming in contact therewith, shall be guilty of a Misdemeanor; and whosoever shall knowingly and wilfully permit any such Spring Gun, Man Trap, or other Engine which may have been set, fixed, or left in any Place then being in or afterwards coming into his Possession or Occupation by some other Person to continue so set or fixed, shall be deemed to have set and fixed such Gun, Trap, or Engine, with such Intent as aforesaid: Provided, that nothing in this Section contained shall extend to make it illegal to set any Gin or Trap such as may have been or may be usually set with the Intent of destroying Vermin: Provided also, that nothing in this Section shall be deemed or construed to make it a Misdemeanor, within the Meaning of this Section, to set or cause to be set or to be continued set, from Sunset to Sunrise, any Spring Gun, Man Trap, or other Engine which shall be set or caused or continued to be set in a Dwelling House for the Protection thereof.

What Buildings shall be Part of the Dwelling House. 7 & 8 G. 4. c. 29. s. 13.

XXVIII. No Building, although within the same Curtilage with the Dwelling House and occupied therewith, shall be deemed to be Part of such Dwelling House within the Meaning of the last preceding Section, unless there shall be a Communication between such Building and Dwelling House, either immediately or by means of a covered and inclosed Passage leading from the one to the other.

Placing Wood, &c. on a Railway with Intent to endanger Passengers.

XXIX. Whosoever shall wilfully and maliciously put, place, cast, or throw upon or across any Railway any Wood, Stone, or other

14 & 15 Vict. c. 19. s. 6.

other Matter or Thing, or shall wilfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall wilfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall wilfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall wilfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to endanger the Safety of any Person travelling or being upon such Railway, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Casting Stone, &c. upon a Railway Carriage, with Intent to endanger the Safety of any Person therein. 14 & 15 Vict. c. 19. s. 7.

XXX. Whosoever shall wilfully and maliciously cast, throw, or cause to fall or strike against, into, or upon any Engine, Tender, Carriage, or Truck used upon any Railway, any Wood, Stone, or other Matter or Thing, with Intent to endanger the Safety of any Person being in or upon such Engine, Tender, Carriage, or Truck, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Doing anything to endanger Passengers by Railway. 3 & 4 Vict. c. 97. s. 15.

XXXI. Whosoever shall wilfully do or cause to be done any Thing in such Manner as to endanger the Safety of any Person conveyed in or upon a Railway shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Drivers of Stage Coaches maiming Persons by furious Driving. 1 G. 4. c. 4.

XXXII. Whosoever, being a Coachman or other Person having the Charge of any Stage Coach or Public Carriage, shall, by wanton or furious Driving or Racing, or other wilful Misconduct, maim or otherwise injure any Person whatsoever, shall be guilty of a Misdemeanor: Provided, that nothing in this Section contained shall extend to Hackney Coaches drawn by Two Horses only, and not plying for Hire as Stage Coaches.

Not providing Apprentices or Servants with Food, &c., or assaulting them, whereby Life endangered. 14 & 15 Vict. c. 11. s. 1.

XXXIII. Whosoever, being legally liable, either as a Husband, Father, Mother, Master, Mistress, or otherwise, to provide for any Person, as a Wife, Child, Apprentice, Servant, or otherwise, necessary Food, Clothing, or Lodging, shall wilfully and without lawful Excuse refuse or neglect to provide the same, or shall unlawfully and maliciously

ciously assault any such Person, so that in any of the Cases aforesaid the Life of such Person shall be endangered, or the Health of such Person shall have been or shall be likely to be permanently injured, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Attempting to choke, &c. in order to commit any Felony.

XXXIV. Whosoever shall, by any Means whatsoever, attempt to choke, suffocate, or strangle any other Person, or shall, by any Means calculated to choke, suffocate, or strangle, attempt to render any other Person insensible or powerless, with Intent in any of such Cases thereby to enable such Offender or any other Person to commit, or with Intent in any of such Cases thereby to assist such Offender or other Person in committing, any Felony, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Using Chloroform, &c. to commit Felony. 14 & 15 Vict. c. 19. s. 3.

XXXV. Whosoever shall unlawfully apply or administer to, or cause to be taken by, or attempt to apply or administer to, or attempt to cause to be administered to or taken by, any Person any Chloroform, Laudanum, or other stupifying or overpowering Drug, Matter, or Thing, with Intent in any of such Cases thereby to enable himself or any other Person to commit, or with Intent in any of such Cases to assist himself or any other Person in committing, any Felony, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Maliciously causing bodily Harm to Women and Children.

XXXVI. Whosoever shall unlawfully and maliciously cause any bodily Harm, or do any Violence to the Person of any Child under the Age of Ten Years, or of any Woman, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Assaulting a Magistrate, &c. on account of his preserving Wreck. 9 G. 4. c. 31. s. 24.

XXXVII. Whosoever shall assault and strike or wound any Magistrate, Officer, or other Person whatsoever lawfully authorized, on account of the Exercise of his Duty in or concerning the Preservation of any Vessel in Distress, or of any Vessel, Goods, or Effects wrecked, stranded, or cast on shore, or lying under Water, being convicted thereof, shall be liable, at the Discretion of the Court, to be

kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for such Term as the Court shall award, with or without Hard Labour.

Arresting a Clergyman during Divine Service. 9 G. 4. c. 31. s. 23.

XXXVIII. Whosoever shall arrest any Clergyman upon or under the Pretence of executing any Civil Process while he shall be performing Divine Service, or shall, with the Knowledge of such Person, be going to perform the same, or returning from the Performance thereof, shall be guilty of a Misdemeanor.

Assault with Intent to commit Felony, or on Peace Officers, &c. 9 G. 4. c. 31. s. 25.

XXXIX. Where any Person shall be charged with and convicted of any of the following Offences as Misdemeanors, that is to say, of any Assault with Intent to commit Felony, of any Assault upon any Peace Officer or Revenue Officer in the due Execution of his Duty, or upon any Person acting in aid of such Officer, of any Assault upon any Person with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so assaulting, or of any other Person for any Offence for which he or such other Person may be liable by Law to be apprehended or detained, or of any Assault committed in pursuance of any Conspiracy to raise the Rate of Wages,—in any such Case the Court may sentence the Offender to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Assaulting a Person apprehending any one under the 14 & 15 Vict. c. 19. s. 11. for an Offence by Night. 14 & 15 Vict. c. 19. s. 12.

XL. Whosoever, being found committing any indictable Offence in the Night, that is to say, between the Hour of Nine at Night and the Hour of Six in the next Morning, and being liable to be apprehended therefor, shall assault or offer any Violence to any Person by Law authorized to apprehend or detain him for such Offence, and endeavouring so to do, or any Person acting in his Aid or Assistance, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Assaults on Seamen to prevent their working. Assaults with Intent to obstruct the Sale of Grain, or its free Passage. 9 G. 4. c. 31. s. 26.

XLI. Whosoever shall unlawfully and with Force hinder any Seaman, Keelman, or Caster from working at or exercising his lawful Trade, Business, or Occupation, or shall beat, wound, or use any other Violence to him, with Intent to deter or hinder him from working at or exercising the same; and whosoever shall beat, wound, or use any other Violence to any Person, with Intent to deter or hinder him from selling or buying any Wheat or other Grain, Flour, Meal, or Malt, in any Market or other Place, or shall beat, wound, or use any other Violence to any Person having the Care or Charge of any Wheat or other Grain, Flour, Meal, or Malt, whilst on its Way

Way to or from any City, Market Town, or other Place, with Intent to stop the Conveyance of the same, shall, on Conviction thereof before Two Justices of the Peace, be liable to be imprisoned and kept to Hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Months: Provided, that no Person who shall be punished for any such Offence by virtue of this Provision shall be punished for the same Offence by virtue of any other Law whatsoever.

Persons committing any Common Assault or Battery may be compelled by Two Magistrates to pay Fine and Costs not exceeding 5*l*. 9 G. 4. c. 31. s. 27.

XLII. Where any Person shall unlawfully assault or beat any other Person, Two Justices of the Peace, upon Complaint of the Party aggrieved, may hear and determine such Offence, and the Offender, upon Conviction thereof before them, shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding, together with Costs (if ordered), the Sum of Five Pounds, which Fine shall be paid to some one of the Overseers of the Poor, or some other Officer of the Parish or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Directions for the Payment thereof to any Person; and if such Fine as shall be awarded by the said Justices, together with the Costs (if ordered), shall not be paid, either immediately after the Conviction or within such Period as the said Justices shall at the Time of the Conviction appoint, they may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned for any Term not exceeding Two Months unless such Fine and Costs be sooner paid; but if the Justices, upon the Hearing of any such Case of Assault or Battery, shall deem the Offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any Punishment, and shall accordingly dismiss the Complaint, they shall forthwith make out a Certificate under their Hands, stating the Fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred.

Application of the Fine.

Commitment on Nonpayment.

If the Magistrates dismiss the Complaint, they shall make out a Certificate to that Effect.

Persons convicted of aggravated Assaults on Females and Boys under Fourteen Years of Age may be imprisoned or fined. 16 & 17 Vict. c. 30. s. 1.

XLIII. When any Person shall be charged before Two Justices of the Peace sitting at any Place where Petty Sessions are usually held, or before any Magistrate of the Police Courts of the Metropolis sitting at any such Police Court, or before any Stipendiary Magistrate elsewhere, with an Assault or Battery upon any Male Child whose Age shal not in the Opinion of such Justices, Police, or Stipendiary Magistrate exceed Fourteen Years, or upon any Female, either upon

the Complaint of the Party aggrieved or otherwise, the said Justices, Police or Stipendiary Magistrate, if the Assault or Battery is of such an aggravated Nature that it cannot in their or his Opinion be sufficiently punished under the Provisions herein-before contained as to Common Assaults and Batteries, may proceed to hear and determine the same in a summary Way, and, if the same be proved, may convict the Person accused, and every such Offender shall be liable to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Period not exceeding Six Months, or to pay a Fine not exceeding (together with Costs) the Sum of Twenty Pounds, and in default of Payment to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Six Months, unless such Fine and Costs be sooner paid, and if the Magistrate or Magistrates shall so think fit, in any of the said Cases, shall be bound to keep the Peace and be of good Behaviour for any Period not exceeding Six Months from the Expiration of such Sentence.

Certificate or Conviction shall be a Bar to any other Proceedings. 9 G. 4. c. 31. s. 28. 16 & 17 Vict. c. 30. s. 1.

XLIV. If any Person against whom any such Complaint shall have been preferred for any Assault or Battery shall have obtained such Certificate, or, having been convicted, shall have paid the whole Amount adjudged to be paid, or shall have suffered the Imprisonment awarded, in every such Case he shall be released from all further or other Proceedings, Civil or Criminal, for the same Cause.

These Provisions not to apply to certain Cases. 9 G. 4. c. 31. s. 29.

XLV. Provided, That in case the Justice or Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of Opinion that the same is, from any other Circumstance, a fit Subject for a Prosecution by Indictment, he or they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as he or they would have done before the passing of this Act: Provided also, that nothing herein contained shall authorize any Justice or Justices of the Peace to hear and determine any Case of Assault or Battery in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom; or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice.

Indecent Assault, or Assault occasioning bodily Harm. 14 & 15 Vict. c. 100. s. 29.

XLVI. Whosoever shall be convicted of an indecent Assault, or any Assault occasioning actual bodily Harm, may be sentenced by the Court to be imprisoned for any Term now warranted by Law, and also to be kept to Hard Labour during the whole or any Part of such Term of Imprisonment.

Rape. 9 G. 4. c. 31. s. 16. 4 & 5 Vict. c. 56. s. 3. 9 & 10 Vict. c. 24.

XLVII. Whosoever shall be convicted of the Crime of Rape shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned

imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Procuring the Defilement of a Girl under Age. 12 & 13 Vict. c. 76. s. 1.

XLVIII. Whosoever shall, by false Pretences, false Representations, or other fraudulent Means, procure any Woman or Child under the Age of Twenty-one Years to have illicit carnal Connexion with any Man, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned, and kept to Hard Labour, for any Term not exceeding Two Years.

Carnally knowing a Girl under Ten Years of Age. 9 G. 4. c. 31. s. 17. 4 & 5 Vict. c. 56. s. 3. 9 & 10 Vict. c. 24.

XLIX. Whosoever shall unlawfully and carnally know and abuse any Girl under the Age of Ten Years shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Carnally knowing a Girl between the Ages of Ten and Twelve. 9 G. 4. c. 31. s. 17.

L. Whosoever shall unlawfully and carnally know and abuse any Girl being above the Age of Ten Years and under the Age of Twelve Years shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for such Term as the Court shall award, with or without Hard Labour.

Attempt to commit the last Two Offences. 14 & 15 Vict. c. 100. s. 29.

LI. Whosoever shall be convicted of any Attempt to have carnal Knowledge of any Girl under Twelve Years of Age may be sentenced by the Court to be imprisoned for any Term now warranted by Law, and also to be kept to Hard Labour during the whole or any Part of such Term of Imprisonment.

Abduction of a Woman against her Will, from Motives of Lucre. 9 G. 4. c. 31. s. 19.

LII. Whosoever shall, from Motives of Lucre, take away or detain against her Will any Woman who shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or who shall be a presumptive Heiress or Coheiress, or presumptive next of Kin, or one of the presumptive next of Kin to any one having such Interest, with Intent to marry or defile her, or to cause her to be married or defiled by any other Person, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years.—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour.

Forcible Abduction of any Woman with Intent to marry her.

LIII. Whosoever shall take away or detain against her Will any Woman, with Intent to marry or carnally know her, or to cause her to be married or carnally known by any other Person, shall be guilty

of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

Abduction of a Girl under Sixteen Years of Age. 9 G.4.c.31.s.20.

LIV. Whosoever shall unlawfully take or cause to be taken any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, shall be guilty of a Misdemeanor.

Child-stealing. 9 G.4.c.31.s.21.

LV. Whosoever shall unlawfully, either by Force or Fraud, lead or take away, or decoy or entice away or detain, any Child under the Age of Ten Years, with Intent to deprive the Parent or Parents, or any other Person having the lawful Care or Charge of such Child, of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong; and whosoever shall, with any such Intent, receive or harbour any such Child knowing the same to have been, by Force or Fraud, led, taken, decoyed, enticed away, or detained as in this Section before mentioned, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and, if a Male, with or without Whipping: Provided, that no Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right to the Possession of such Child, shall be liable to be prosecuted by virtue hereof on account of his getting Possession of such Child, or taking such Child out of the Possession of the Mother or any other Person having the lawful Charge thereof.

Bigamy. 9 G. 4. c. 31. s. 22.

LVI. Whosoever, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in England or elsewhere, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and any such Offence may be dealt with, inquired of, tried, determined, and punished in the County where the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed in that County: Provided, that nothing in this Section contained shall extend to any Second Marriage contracted out of England by any other than a Subject of Her Majesty, or to any Person marrying a Second Time whose Husband or Wife shall have

Where tried.

Proviso.

have been continually absent from such Person for the Space of Seven Years then last past, and shall not have been known by such Person to be living within that Time, or shall extend to any Person who, at the Time of such Second Marriage, shall have been divorced from the Bond of the First Marriage, or to any Person whose former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

Administering Drugs or using Instruments to procure Abortion. 7 W. 4. 1 Vict. c. [illegible]

LVII. Every Woman, being with Child, who, with Intent to procure her own Miscarriage, shall unlawfully administer to herself any Poison or other noxious Thing, or use any Instrument or other Means whatsoever; and whosoever, with Intent to procure the Miscarriage of any Woman, whether she be or be not with Child, shall unlawfully administer to her or cause to be taken by her any Poison or other noxious Thing, or shall unlawfully use any Instrument or other Means whatsoever with the like Intent, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Concealing the Birth of a Child. 9 G. 4. c. 31. s. 14.

LVIII. If any Woman shall be delivered of a Child, every Person who shall, by any secret Disposition of the dead Body of the said Child, whether such Child died before, at, or after its Birth, endeavour to conceal the Birth thereof, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour: Provided, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by some secret Disposition of the dead Body of such Child, endeavour to conceal the Birth thereof, and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for the Concealment of the Birth.

Sodomy and Bestiality. 9 G. 4. c. 31. s. 15.

LIX. Whosoever shall be convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall suffer Death as a Felon.

Carnal Knowledge defined. 9 G. 4. c. 14. s. 18.

LX. It shall not be necessary upon the Trial for any of the Offences mentioned in the Forty-seventh, Forty-ninth, Fiftieth, or Fifty-ninth Sections of this Act, to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but the carnal Knowledge shall be deemed complete upon Proof of Penetration only.

Offences committed a Sea. 9 G. 4. c. 31. s. 32.

LXI. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of England shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in England, and may be dealt with, inquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of England: Provided, that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Accessories after the Fact to Murder. 9 G. 4. c. 31. s. 3.

LXII. Every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour.

Fine and Sureties for the Peace, in what Cases.

LXIII. In all Cases where any Person shall be convicted of a Misdemeanor under this Act, it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to find Sureties for keeping the Peace and being of good Behaviour, both or either; and in all Cases of Felonies in this Act mentioned, not punishable with Death, it shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace, in addition to any of the Punishments by this Act authorized.

Hard Labour, Solitary Confinement, and Whipping.

LXIV. Where Imprisonment, with or without Hard Labour, may be awarded for any Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction; and where Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and where Whipping may be awarded for any Offence under this Act, the Court may sentence the Offender to be once, twice, or thrice publicly or privately whipped.

Time for summary Proceedings. 9 G. 4. c. 31. s. 34.

LXV. The Prosecution for every Offence punishable on summary Conviction, by virtue of this Act, shall be commenced within Three Months after the Commission of the Offence, and not otherwise.

LXVI. No

No Certiorari, &c. 9 G. 4. c. 31. s. 36.

LXVI. No such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Guardians and Overseers may be required to prosecute certain Offences against this Act. 14 & 15 Vict. c. 11. s. 6.

LXVII. Where any Complaint shall be made of any Offence against the Thirty-third Section of this Act, or of any bodily Injury inflicted upon any poor Person under the Age of Sixteen Years, under such Circumstances as amount to a Felony, or an Attempt to commit a Felony, or an Assault with Intent to commit a Felony, and Two Justices of the Peace before whom such Complaint is heard shall certify under their Hands that it is necessary for the Purposes of Public Justice that the Prosecution should be conducted by the Guardians of the Union or Place, or, where there are no Guardians, by the Overseers of the Poor of the Place, in which the Offence shall be charged to have been committed, such Guardians or Overseers, as the Case may be, upon personal Service of such Certificate or a Duplicate thereof upon the Clerk of such Guardians or upon any One of such Overseers, shall conduct the Prosecution, and shall pay the Costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any Order of any Court) out of the Common Fund of the Union, or out of the Funds in the Hands of the Guardians or Overseers, as the Case may be; and, where there is a Board of Guardians, the Clerk or some other Officer of the Union or Place, and, where there is no Board of Guardians, one of the Overseers of the Poor, may, if such Justices think it necessary for the Purposes of Public Justice, be bound over to prosecute.

Costs of Prosecution

Clerk of Guardians may be bound over to prosecute. 14 & 15 Vict. c. 11. s. 7.

The Costs of the Prosecution of Offences against this Act may be allowed.

LXVIII. The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Act to extend to England only.

LXIX. Nothing in this Act contained shall extend to Scotland or Ireland, except as herein-before otherwise expressly provided.

Commencement of Act.

LXX. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Offences against the Person.

A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of England relating to Offences against the Person.

(*Brought from the Lords* 23 *July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1857.

[Bill 151.]

Under 4 *oz.*

A

BILL

INTITULED

An Act to continue the Powers of the Commissioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty concerning the University of Oxford and the College of St. Mary Winchester, and further to amend the said Act.

Preamble. 17 & 18 Vict. c. 81. 19 & 20 Vict. c. 31.

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, to make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of St. Mary Winchester, and the said Act has been amended by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Thirty-one: And whereas by the first-recited Act it was provided that the Powers thereby conferred on the Commissioners for the Purposes of that Act should be in force until the First Day of January One thousand eight hundred and fifty-seven, and that it should be lawful for Her Majesty, if She should think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and fifty-eight, and no longer: And whereas Her Majesty, by and with the Advice

of Her Privy Council, has continued the said Powers until the First Day of January One thousand eight hundred and fifty-eight: And whereas it is expedient that the said Powers should be further continued, and that the said first-recited Act should be amended as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of the Commissioners continued until 1st July 1858.

I. The Powers conferred on the Commissioners by the first-recited Act, as extended by the secondly-recited Act and this Act, shall continue until the First Day of July One thousand eight hundred and fifty-eight; and all Powers, which under the said recited Acts respectively might have been exercised by Colleges or other Bodies or Persons during the Continuance of the Powers of the Commissioners under the first-recited Act, shall continue and may be exercised until the said First Day of July One thousand eight hundred and fifty-eight.

The Foundation of Mr. John Michel may be consolidated with the Old Foundation of Queen's College.

II. It shall be lawful for the Commissioners under the said Act of the Seventeenth and Eighteenth Years of Her Majesty to frame such Ordinance or Ordinances as may appear to them expedient for consolidating the Foundation of John Michel, Esquire, in the Queen's College in the said University, with the Foundation of Robert de Eglesfield, commonly called the Old Foundation, in the said College, and for vesting the Endowments, Lands, Advowsons, and Real and Personal Property vested in the Visitors of the said Foundation of John Michel, or otherwise held for the Benefit of such Foundation, in the Provost and Scholars of the said Queen's College, and for placing the Foundation so consolidated under the Visitorship of the Lord Archbishop of York, the present Visitor of the Old Foundation of the said Queen's College, and for providing for the Discharge of the Duties of the Visitors of the Foundation of John Michel as towards the existing Fellows, Scholars, and Exhibitioners of that Foundation, and for establishing in respect of such consolidated Foundation, and the Emoluments, Property, and Income thereof, any such Regulations as under the said Act might be established in respect of a College of One Foundation and the Property and Income and College Emoluments thereof; such Ordinance or Ordinances, if sanctioned and confirmed as required in respect of the Ordinances framed by the Commissioners under Sections Twenty-eight and Twenty-nine of the same Act, shall take effect for the Purposes aforesaid in the same Manner as if it had been within the Powers vested in the Commissioners under the said Sections, and all the Provisions of the said Act and the Act amending the same applicable to Ordinances framed by the Commissioners under the said

said Act shall be applicable to such Ordinance or Ordinances as may be framed under the Powers of this Act.

Lands Clauses Act, 1845, with certain Exceptions, incorporated with this Act and the "Oxford University Act, 1854," so far as relates to Land within 1½ Mile of Carfax required for Building Purposes.

III. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act and of the "Oxford University Act, 1854," so far as relates to Land within One Mile and a Half of Carfax in the City of Oxford required for the Erection of any Buildings for the Extension of the Buildings of the said University or of any College or Hall therein, or for Purposes of Utility or Recreation relating to the said University or to any College or Hall therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

A

BILL

INTITULED

An Act to continue the Powers of the Commissioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty concerning the University of Oxford and the College of St. Mary Winchester, and further to amend the said Act.

(*Brought from the Lords* 7 *July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 17 *July* 1857.

[Bill 137.]

Under 1 *oz.*

7 *August* 1857. 20 & 21 Vict.

A

B I L L

INTITULED

An Act concerning the Parochial Schoolmasters in Scotland.

[Note.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty George the Third, intituled "An Act "for making better Provision for the Parochial School-masters, and for making further Regulations for the better Government of the Parish Schools, in Scotland," whereby Provision is made for ascertaining the Amount of the Schoolmasters Salaries according to the average Amount of the Fiars Prices of Oatmeal in the several Counties and Stewartries, and for re-ascertaining the Amount of such Salaries at the End of every Period of Twenty-five Years, according to the average Amount of the Fiars Prices, to be ascertained as aforesaid; And whereas the average Price of a Chalder of Oatmeal, according to such Fiars Prices, was, upon the Twenty-seventh day of November One thousand eight hundred and twenty-eight, struck by the Barons of Exchequer at Seventeen Pounds Two Shillings and Twopence and One Farthing, and such Average expired, according to the said recited Act, as at the Term of Martinmas One thousand eight hundred and fifty-three: And whereas an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty Queen Victoria, intituled "An Act to regulate the Salaries of the Parochial School-masters of Scotland," whereby it was provided that the Salaries of the said

Preamble.
43 G. 3. c. 54.
17 & 18 Vict. c. 98.

said Schoolmasters should continue and be paid according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of Martinmas One thousand eight hundred and fifty-three till the Term of Martinmas One thousand eight hundred and fifty-five, both inclusive, as if such Average had not expired at the Term of Martinmas One thousand eight hundred and fifty-three, but had endured to the Term of Martinmas One thousand eight hundred and fifty-five: And whereas on the Expiration of the said last Period of Twenty-five Years the said Salaries, as regards many of the Counties in Scotland, have not been re-ascertained in Terms of the said first-recited Act: And whereas it is doubtful how far the Provisions thereof can be now enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sheriff or Steward to fix average Fiars Prices of a Chalder of Oatmeal.

I. On or before the First Day of July One thousand eight hundred and fifty-nine, the Sheriff or Steward of every County or Stewartry shall take the necessary Steps to fix and determine the average Fiars Prices of a Chalder of Oatmeal within their respective Counties and Stewartries during the Period of Twenty-five Years next preceding, and including the Year and Crop One thousand eight hundred and fifty-eight, in Terms of the said first-recited Act; and the whole other Provisions thereof, and the Procedure therein directed, shall be observed in all respects; and the said Salaries to be so fixed shall commence and be payable from and after the Term of Martinmas One thousand eight hundred and fifty-nine: Provided that the Duties by the said first-recited Act imposed and the Powers conferred on the Lord Chief Baron and Barons of Exchequer shall be in all Time coming discharged and exercised by the Lord Ordinary in Exchequer Causes.

Salaries of Schoolmasters to be paid according to average Amount of Fiars Prices of Oatmeal.

The Salaries of the said Schoolmasters shall continue and be paid according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of Martinmas One thousand eight hundred and fifty-five (being the Term at which the said Provisions of the said second-recited Act ceased to regulate the said Salaries) till the said Term of Martinmas One thousand eight hundred and fifty-nine, and shall include the Proportion of Salary payable for the Half Year ending at the said last-named Term, in like Manner as if such Average had not expired at the Term of Martinmas One thousand eight

eight hundred and fifty-three, but had endured to the Term of Martinmas One thousand eight hundred and fifty-nine, and the said Schoolmasters shall have all such Rights and Remedies in respect of such Salaries as they had prior to the said Term of Martinmas One thousand eight hundred and fifty-three.

When not inconsistent with this Act first-recited Act to continue in full Force and Effect.

So far as not inconsistent with this Act, the said first-recited Act shall continue in full Force and Effect; provided, that the Rights conferred on the Schoolmasters by this Act shall not be diminished or affected by any Meetings or Resolutions of Heritors held or passed since the said Term of Martinmas One thousand eight hundred and fifty-three.

Parochial Schoolmasters (Scotland).

A

B I L L

INTITULED

An Act concerning the Parochial Schoolmasters in Scotland.

(*Brought from the Lords* 7 *August* 1857.)

Ordered, by The House of Commons, *to be Printed,* 7 *August* 1857.

[Bill 182.]

Under 1 *oz.*

(No. 2.)

A

BILL

CONCERNING

The Parochial Schoolmasters in Scotland.

WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty George the Third, intituled "An Act "for making better Provision for the Parochial School- "masters, and for making further Regulations for the better Govern- "ment of the Parish Schools, in Scotland," whereby Provision is made for ascertaining the Amount of the Schoolmasters Salaries according to the average Amount of the Fiars Prices of Oatmeal in the several Counties and Stewartries, and for re-ascertaining the Amount of such Salaries at the End of every Period of Twenty-five Years, according to the average Amount of the Fiars Prices, to be ascertained as aforesaid; And whereas the average Price of a Chalder of Oatmeal, according to such Fiars Prices, was, upon the Twenty-seventh day of November One thousand eight hundred and twenty-eight, struck by the Barons of Exchequer at Seventeen Pounds Two Shillings and Twopence and One Farthing, and such Average expired, according to the said recited Act, as at the Term of Martinmas One thousand eight hundred and fifty-three: And whereas an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty Queen Victoria, intituled "An Act to regulate the Salaries of the Parochial School- "masters of Scotland," whereby it was provided that the Salaries of the said

Preamble.
43 G. 3. c. 54.
17 & 18 Vict. c. 98.

said Schoolmasters should continue and be paid according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of Martinmas One thousand eight hundred and fifty-three till the Term of Martinmas One thousand eight hundred and fifty-five, both inclusive, as if such Average had not expired at the Term of Martinmas One thousand eight hundred and fifty-three, but had endured to the Term of Martinmas One thousand eight hundred and fifty-five: And whereas on the Expiration of the said last Period of Twenty-five Years the said Salaries, as regards many of the Counties in Scotland, have not been re-ascertained in Terms of the said first-recited Act: And whereas it is doubtful how far the Provisions thereof can be now enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sheriff or Steward to fix average Fiars Prices of a Chalder of Oatmeal.

I. On or before the *First Day of July One thousand eight hundred and fifty-nine*, the Sheriff or Steward of every County or Stewartry shall take the necessary Steps to fix and determine the average Fiars Prices of a Chalder of Oatmeal within their respective Counties and Stewartries during the Period of *Twenty-five* Years next preceding, and including the Year and Crop *One thousand eight hundred and fifty-eight*, in Terms of the said first-recited Act; and the whole other Provisions thereof, and the Procedure therein directed, shall be observed in all respects; and the said Salaries to be so fixed shall commence and be payable from and after the Term of Martinmas *One thousand eight hundred and fifty-nine*: Provided that the Duties by the said first-recited Act imposed and the Powers conferred on the Lord Chief Baron and Barons of Exchequer shall be in all Time coming discharged and exercised by the Lord Ordinary in Exchequer Causes.

Salaries of Schoolmasters to be paid according to average Amount of Fiars Prices of Oatmeal.

II. The Salaries of the said Schoolmasters shall continue and be paid according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of Martinmas One thousand eight hundred and fifty-five (being the Term at which the said Provisions of the said second-recited Act ceased to regulate the said Salaries) till the said Term of Martinmas *One thousand eight hundred and fifty-nine*, and shall include the Proportion of Salary payable for the Half Year ending at the said last-named Term, in like Manner as if such Average had not expired at the Term of Martinmas One thousand eight hundred and fifty-three, but had endured to the Term of Martinmas *One thousand eight hundred and fifty-nine*, and the said School-

Schoolmasters shall have all such Rights and Remedies in respect of such Salaries as they had prior to the said Term of Martinmas One thousand eight hundred and fifty-three.

III. So far as not inconsistent with this Act, the said first-recited Act shall continue in full Force and Effect; provided, that the Rights conferred on the Schoolmasters by this Act shall not be diminished or affected by any Meetings or Resolutions of Heritors held or passed since the said Term of Martinmas One thousand eight hundred and fifty-three.

When not inconsistent with this Act first-recited Act to continue in full Force and Effect.

Parochial Schoolmasters (Scotland).

(No. 2.)

A

B I L L

Concerning the Parochial Schoolmasters in Scotland.

(Prepared and brought in by The Lord Advocate, Mr. Wilson, and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1857.

[Bill 194.]

Under 1 *oz.*

8 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace.

WHEREAS by the Seventy-eighth Chapter of the Statutes made in the Fifteenth and Sixteenth Years of Her present Majesty Powers were vested in the Commissioners of Her Majesty's Works and Public Buildings to enable them to complete certain Improvements in Pimlico and in the Neighbourhood of Buckingham Palace, therein mentioned or referred to: And whereas by the Forty-fourth Chapter of the Statutes made in the Sixteenth and Seventeenth Years of Her present Majesty the Powers of the said Act of the Fifteenth and Sixteenth Years of Her present Majesty were enlarged, and the said Commissioners of Her Majesty's Works and Public Buildings were thereby authorized to purchase and take certain Hereditaments in the Schedule to the said Act mentioned, for the Purposes of the before-mentioned Improvements: And whereas the Hereditaments mentioned in the Schedule to this Act are Part of the Hereditaments which by the last before-recited Act were authorized to be purchased for the Purposes of the said Improvements, but which have not yet been purchased, and it is expedient that the

Preamble. 15 & 16 Vict. c. 78.

16 & 17 Vict. c. 44.

Time for purchasing or taking the same shall be extended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to purchase Hereditaments mentioned in the Schedule.

I. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the before-recited Acts and this Act, to purchase and take all such of the Hereditaments comprised in the Schedule to this Act, or any Estate or Interest therein, as in their Opinion may be necessary for making the said Improvements and otherwise carrying into effect the Provisions of the before-recited Acts, and such Hereditaments may be purchased out of such Funds and in all respects as by the said recited Acts is provided, so that no Purchase shall be made after the Period of *Two* Years, to be computed from the Fourth Day of August One thousand eight hundred and fifty-seven, and all and singular the Powers and Authorities by the said herein-before recited Acts granted to or vested in the said Commissioners of Her Majesty's Works and Public Buildings to purchase, take, and use any Hereditaments or Parts thereof, or Rights or Interests therein, required for the Purposes of the said last-mentioned Acts, and the Improvements thereby authorized to be made, and also the Powers for enabling Persons and Bodies to sell and convey, shall remain in force and be exercised by the said Commissioners for the Purposes of this Act, in all respects as if the same were herein repeated and made applicable to the said Hereditaments hereby authorized to be purchased.

Short Title.

II. It shall be sufficient for all Purposes to cite this Act as "The Pimlico Improvement Act, 1857."

The

The SCHEDULE to which this Act refers.

THE PARISH OF SAINT MARGARET IN THE CITY AND LIBERTY OF WESTMINSTER IN THE COUNTY OF MIDDLESEX.

Stafford Place.

Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
30	Dwelling House and Yard	The Crown	Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, the Crown.	The Crown.
31	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Sugg.	Edward Roper.
32	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Busby.	Charles Stubbles.
33	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Sugg	George Law.
34	Dwelling House and Yard			James Holland.
35	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Charles Pye	Thomas Oliver.
36	Dwelling House and Yard			William Hillier.
37	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Adeline Papera.	Joseph Pritchard.
38	Dwelling House and Yard			Rees Thomas.
39	Dwelling House, Shop, and Yard.			Henry Edwards.
40	Dwelling House, Shop, and Yard.			William Hart.
41	Dwelling House, Shop, and Yard.		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker	Empty.
53	Dwelling House and Yard			Frederick Hughes Gascoyne.
54	Dwelling House and Yard			Charles Hounsell.
55	Dwelling House and Yard			Elizabeth Cotington.
56	Dwelling House and Yard			Thomas Carter.
100	Public Street			The Board of Works for the Westminster District and the Public.

THE PARISH OF SAINT GEORGE HANOVER SQUARE IN THE CITY AND LIBERTY OF WESTMINSTER IN THE COUNTY OF MIDDLESEX.

Stafford Place.

46	Dwelling House and Yard	The Crown	Joel Pinney, Jane Elizabeth Downing Walker	Elizabeth Murrell.
47	Dwelling House and Yard			Thomas Botley.
48	Dwelling House and Yard			John Lead.
49	Dwelling House and Yard			William Foy.
50	Dwelling House and Yard			Francis Strugnell.
51	Dwelling House and Yard			George Kitchener.
52	Dwelling House and Yard			William Kilminster.

Stafford Row.

12	Dwelling House, Shop, and Yard.	The Crown	Thomas Bew	Frederick Berry.
13	Public House and Garden "The Gun Tavern."		William Rackstraw	William Rackstraw.
13	Dwelling House and Shop			Charles Grover.

Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
14	Dwelling House, Shop, and Garden.	The Crown	Edward Weatherley, George Stevens.	George Henry Stevens.
14*a*	Garden at Back - -		Edward Weatherley, George Nisbet.	George Nisbet.
15	Dwelling House, Shop, and Yard.		Charles Grover, James Booty.	James Booty.
16	Dwelling House, Shop, and Yard.		Thomas Edy - - -	Thomas Edy.
17	Dwelling House, Shop, and Yard.		John Imrie - - -	John Imrie.
18	Dwelling House, Shop, and Yard.		Adam Murgatroyd - -	Adam Murgatroyd.
19	Dwelling House and Shop		George Taylor - - -	George Taylor David Gilbert.
		Charlotte Street.		
1	Dwelling House and Shop	The Crown -	Henry Rhodes, William Woolston.	William Woolston.
101	Public Street - -	- - -	- - - -	The Vestry of Saint George Hanover Square and the Public.

A

B I L L

To extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace.

(*Prepared and brought in by Sir Benjamin Hall and Mr. Brand.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1857.

[Bill 49.] *Under* 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace.

WHEREAS by the Seventy-eighth Chapter of the Statutes made in the Fifteenth and Sixteenth Years of Her present Majesty Powers were vested in the Commissioners of Her Majesty's Works and Public Buildings to enable them to complete certain Improvements in Pimlico and in the Neighbourhood of Buckingham Palace, therein mentioned or referred to: And whereas by the Forty-fourth Chapter of the Statutes made in the Sixteenth and Seventeenth Years of Her present Majesty the Powers of the said Act of the Fifteenth and Sixteenth Years of Her present Majesty were enlarged, and the said Commissioners of Her Majesty's Works and Public Buildings were thereby authorized to purchase and take certain Hereditaments in the Schedule to the said Act mentioned, for the Purposes of the before-mentioned Improvements: And whereas the Hereditaments mentioned in the Schedule to this Act are Part of the Hereditaments which by the last before-recited Act were authorized to be purchased for the Purposes of the said Improvements, but which have not yet been purchased, and it is expedient that the Time

Preamble. 15 & 16 Vict. c. 78.

16 & 17 Vict. c. 44.

Time for purchasing or taking the same shall be extended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to purchase Hereditaments mentioned in the Schedule.

I. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the before-recited Acts and this Act, to purchase and take all such of the Hereditaments comprised in the Schedule to this Act, or any Estate or Interest therein, as in their Opinion may be necessary for making the said Improvements and otherwise carrying into effect the Provisions of the before-recited Acts, and such Hereditaments may be purchased out of such Funds and in all respects as by the said recited Acts is provided, or out of such other Funds as Parliament may place at the Disposal of the said Commissioners for that Purpose, so that no Purchase shall be made after the Period of *Two* Years, to be computed from the Fourth Day of August One thousand eight hundred and fifty-seven, and all and singular the Powers and Authorities by the said herein-before recited Acts granted to or vested in the said Commissioners of Her Majesty's Works and Public Buildings to purchase, take, and use any Hereditaments or Parts thereof, or Rights or Interests therein, required for the Purposes of the said last-mentioned Acts, and the Improvements thereby authorized to be made, and also the Powers for enabling Persons and Bodies to sell and convey, shall remain in force and be exercised by the said Commissioners for the Purposes of this Act, in all respects as if the same were herein repeated and made applicable to the said Hereditaments hereby authorized to be purchased.

Short Title.

II. It shall be sufficient for all Purposes to cite this Act as "The Pimlico Improvement Act, 1857."

The

The SCHEDULE to which this Act refers.

THE PARISH OF SAINT MARGARET IN THE CITY AND LIBERTY OF WESTMINSTER IN THE COUNTY OF MIDDLESEX.

Stafford Place.

Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
30	Dwelling House and Yard	The Crown	Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, the Crown.	The Crown.
31	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Sugg.	Edward Roper.
32	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Busby.	Charles Stubbles.
33	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Sugg -	George Law.
34	Dwelling House and Yard			James Holland.
35	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Charles Pye - -	Thomas Oliver.
36	Dwelling House and Yard			William Hillier.
37	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Adeline Papera.	Joseph Pritchard.
38	Dwelling House and Yard			Rees Thomas.
39	Dwelling House, Shop, and Yard.			Henry Edwards.
40	Dwelling House, Shop, and Yard.			William Hart.
41	Dwelling House, Shop, and Yard.		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker - - -	Empty.
53	Dwelling House and Yard			Frederick Hughes Gascoyne.
54	Dwelling House and Yard			Charles Hounsell.
55	Dwelling House and Yard			Elizabeth Cotington.
56	Dwelling House and Yard			Thomas Carter.
100	Public Street - -	- -	- - - - -	The Board of Works for the Westminster District and the Public.

THE PARISH OF SAINT GEORGE HANOVER SQUARE IN THE CITY AND LIBERTY OF WESTMINSTER IN THE COUNTY OF MIDDLESEX.

Stafford Place.

46	Dwelling House and Yard	The Crown	Joel Pinney, Jane Elizabeth Downing Walker - -	Elizabeth Murrell.
47	Dwelling House and Yard			Thomas Botley.
48	Dwelling House and Yard			John Lead.
49	Dwelling House and Yard			William Foy.
50	Dwelling House and Yard			Francis Strugnell.
51	Dwelling House and Yard			George Kitchener.
52	Dwelling House and Yard			William Kilminster.

Stafford Row.

12	Dwelling House, Shop, and Yard.	The Crown	Thomas Bew - - -	Frederick Berry.
18	Public House and Garden "The Gun Tavern."		William Rackstraw - -	William Rackstraw.
13	Dwelling House and Shop			Charles Grover.

Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
14	Dwelling House, Shop, and Garden.	The Crown	Edward Weatherley, George Stevens.	George Henry Stevens.
14*a*	Garden at Back - -		Edward Weatherley, George Nisbet.	George Nisbet.
15	Dwelling House, Shop, and Yard.		Charles Grover, James Booty -	James Booty.
16	Dwelling House, Shop, and Yard.		Thomas Edy - - -	Thomas Edy.
17	Dwelling House, Shop, and Yard.		John Imrie - - -	John Imrie.
18	Dwelling House, Shop, and Yard.		Adam Murgatroyd - -	Adam Murgatroyd.
19	Dwelling House and Shop		George Taylor - - -	George Taylor, David Gilbert.
	Charlotte Street.			
1	Dwelling House and Shop	The Crown -	Henry Rhodes, William Woolston.	William Woolston.
101	Public Street - -	- - -	- - - -	The Vestry of Saint George Hanover Square and the Public.

Pimlico Improvements.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace.

(Prepared and brought in by Sir Benjamin Hall and Mr. Brand.)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1857.

[Bill 110.]

Under 1 *oz.*

(Scotland.)

A

B I L L

INTITULED

An Act to render more effectual the Police in Counties and Burghs in Scotland.

[Note.—*The Clauses and Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS an Act was passed in the Eleventh Year of King George the First (Chapter Twenty-six), "for more effectual disarming the Highlands in that Part of Great Britain called Scotland, and for the better securing the Peace and Quiet of that Part of the Kingdom," whereby the Freeholders of every Shire, County, or District in Scotland were authorized to assess the several Shires or Stewartries for raising a sufficient Fund to defray the Charges of apprehending, subsisting, and prosecuting Criminals; and another Act was passed in the Session of Parliament holden in the Second and Third Years of King William the Fourth (Chapter Sixty-five), "to amend the Representation of the People in Scotland," whereby the Collection and Application of the said Fund commonly called "Rogue Money" was transferred from the Freeholders to the Commissioners of Supply; and another Act was passed in the Session of Parliament holden in the Second and Third Years of Her Majesty (Chapter Sixty-five), "to amend the Mode of assessing the Rogue Money in Scotland, and to extend the Purposes of such Assessment," whereby the Commissioners of Supply of any County were authorized to levy with and as Part of the Rogue Money an additional Assessment for the Maintenance of a Constabulary or Police

Preamble.
11 G. 1. c. 26.
2 & 3 W. 4. c. 65.
2 & 3 Vict. c. 65.

Force in such County, and such additional Assessments have been levied and such Force has been established in some Counties in Scotland: And whereas an Act was passed in the Session of Parliament holden in the Third and Fourth Years of King William the Fourth (Chapter Forty-six), "to enable Burghs in Scotland to establish a general "System of Police," which Act was subsequently amended by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty (Chapter Thirty-nine); and an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty (Chapter Thirty-three), "to make more effectual Provision for regulating the Police of Towns and populous "Places in Scotland, and for paving, draining, cleansing, lighting, and "improving the same;" and the Three last-recited Acts have been adopted in whole or in part in some Burghs in Scotland: And whereas it is expedient that further and other Provision be made for securing an efficient Police Force throughout Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 & 4 W. 4. c. 46.

10 & 11 Vict. c. 39.

13 & 14 Vict. c. 33.

Commissioners of Supply to establish Police Force.

I. On the Twenty-ninth Day of September, or on some other Day thereafter not later than the Thirty-first Day of October One thousand eight hundred and fifty-seven the Commissioners of Supply of every County in Scotland shall hold a Meeting on such Day and at such Hour and Place as may be publicly notified by the Convener of the Commissioners of Supply by Advertisement at least Twenty-one Days previous to such Meeting in the Edinburgh Gazette and in some One or more Newspapers published in such County, or, if there be no such Newspaper, then in some One or more Newspapers published in an adjoining County or Counties, and at such Meeting or at any Adjournment thereof (not later than the said Thirty-first Day of October) the said Commissioners of Supply shall proceed to establish, from and after the Fifteenth Day of May One thousand eight hundred and fifty-eight, a sufficient Police Force for such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings in Writing to One of Her Majesty's Principal Secretaries of State.

Commissioners of Supply to appoint Police Committee to carry Act into execution.

II. The Commissioners of Supply of every County shall, at their First Meeting for the Purposes of this Act, or at any Adjournment thereof as aforesaid, and thereafter annually on the Twenty-ninth Day of September or on some other Day thereafter not later than the Thirty-first Day of October, appoint certain of their own Number, being

being not more than Fifteen and not less than Three, which Persons so appointed, along with Her Majesty's Lieutenant and the Sheriff of the County (or, in the Absence of such Sheriff, One of his Substitutes to be by him nominated for that Purpose,) shall be called "The Police Committee," to manage and transact all or any Matters which such Police Committee is hereby required or authorized to do, execute, or perform; and every such Committee shall also have such or so many of the Powers and Authorities and Discretion by this Act given to and reposed in such Commissioners of Supply as such Commissioners of Supply shall think proper to delegate to such Committee; and such Police Committee shall elect One of their own Number to be their Chairman, and any Three Members of such Police Committee shall be a Quorum, and entitled to exercise all the Powers of such Police Committee; and at all Meetings of such Police Committee the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal the Chairman of the Police Committee, or in his Absence any Member chosen by said Committee to be Preses of the Meeting, shall have a Casting Vote in addition to his own Vote.

Rules for Government, Pay, &c. of Constables to be made by Secretary of State.

III. Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under this Act shall from Time to Time be made by One of Her Majesty's Principal Secretaries of State, but not so as to increase the Number of Men proposed to be appointed; and the Rules so made shall be sent to the Clerk of Supply for every County, and shall be by him communicated to the Chairman of the Police Committee, the Sheriff Clerk, and Justice of Peace Clerk of such County respectively; and it shall be lawful for such Secretary of State, upon the Representation of the Commissioners of Supply of the County setting forth any special Reasons, to suspend any Part of such Rules, or to amend or add to such Rules, so as to make them applicable to the special Circumstances of such County; and all such Rules shall be binding on all Persons whom they may concern; and Copies of all such Rules shall be laid before both Houses of Parliament within Six Weeks after the making thereof, if Parliament be then sitting, and if Parliament be not then sitting then within Six Weeks after the next Meeting of Parliament.

Chief Constable of the County to be appointed, and may serve for more than one County.

IV. As soon as any such Rules, as finally settled, shall have been received from the Secretary of State, the Chairman of the Police Committee of the County shall call a Meeting of the said Committee on not less than Ten or more than Twenty Days Notice, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the Approval of One of Her Majesty's Principal

Secretaries of State, appoint a Person duly qualified according to the Rules to be Chief Constable of the County, from and after the said Fifteenth Day of May One thousand eight hundred and fifty-eight; and in every Case of Vacancy of the Office of Chief Constable the Chairman of the Police Committee shall call a Meeting of the Police Committee as aforesaid, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the like Approval, appoint a fit Person to be Chief Constable; and every Chief Constable may hold his Office until dismissed by the Police Committee, subject to the like Approval; and it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties, if the Commissioners of Supply of such Counties shall agree to join in such Appointment.

Number of Constables may be increased or diminished.

V. It shall be lawful for the Commissioners of Supply, on the Recommendation of the Police Committee of any County, from Time to Time, with the Consent of One of Her Majesty's Principal Secretaries of State, to increase or diminish the Number of Constables appointed under this Act for such County: Provided always, that the Number of Constables shall not be more than One Man for every Thousand of the Inhabitants of such County, according to the last Parliamentary Enumeration of the Population for the Time being.

Chief Constable to appoint the other Constables.

VI. The Chief Constable shall, subject to the Approval of the Police Committee, appoint the other Constables to be appointed for the County, and a Superintendent to be at the Head of the Constables in each Division of the County, and at his Pleasure may dismiss all or any of them, and shall have the general Disposition and Government of all the Constables so to be appointed, subject to such lawful Orders as he may receive from the Sheriff, or from the Justices of the Peace in General or Quarter Sessions assembled, and to the Rules established for the Government of the Force in Terms of this Act: Provided always, that in the Case of any conflicting Orders being issued by the Sheriff and Justices of the Peace assembled as aforesaid, the Orders of the Sheriff shall be followed by the Chief Constable, until the Decision of One of Her Majesty's Principal Secretaries of State shall be pronounced on the Subject, which Decision, unless in so far as the same may be afterwards altered or modified by One of Her Majesty's Principal Secretaries of State, shall be final and conclusive.

Additional Constables may be appointed at the Cost of Individuals.

VII. It shall be lawful for the Chief Constable of any County, with the Approval of the Sheriff or of the Justices of the County in General or Quarter Sessions assembled, (if he shall think fit,) on the Application

Application of any Person or Persons, setting forth the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other Constables appointed under this Act: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving One Month's Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

Provision for Appointment of Constables to keep the Peace on Public Works.

VIII. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such Public Work, or of any Two Justices of the Peace of such County usually acting in the District in or through which any such Public Work may be in the Course of Construction, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff may think fit, for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such Public Works, and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the Act; and such Sheriff shall decern the Company or other Parties carrying on such Public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any Public Work shall refuse or neglect, within Fourteen Days next after Demand thereof, to pay any such Wages and Allowances, or any Part thereof, as shall by such Sheriff have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expenses of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

8 Vict. c. 3. repealed after Twelve Months from the Date of this Act.

IX. The Act passed in the Session of Parliament holden in the Eighth Year of Her Majesty (Chapter Three), "for the Appointment "of Constables or other Officers for keeping the Peace near Public "Works in Scotland," shall be and the same is hereby repealed: Provided always, that the said last-mentioned Act shall continue in force for Twelve Months after the passing of this Act as regards all Constables or Peace Officers appointed and doing Duty under the said last-mentioned Act.

Chief Constable to appoint a Deputy.

X. The Chief Constable shall, subject to the Approval of the Police Committee, appoint One of the Superintendents or other Officer of the Police Force to act as his Deputy in case of his being incapable, from Illness or necessary Absence from the County, to perform the Duties of Chief Constable of the County; and the Deputy so appointed shall, in such Case as aforesaid, and also in case of any Vacancy of the Office of Chief Constable by Death or otherwise, have all the Powers, Privileges, and Duties of the Chief Constable: Provided always, that no Deputy Chief Constable shall be capable of continuing to act with the Powers of Chief Constable during any Vacancy of the Office for more than Three Months after the Vacancy has been occasioned.

Powers of Constables.

XI. The Chief Constable and other Persons so appointed shall be sworn as Constables before the Sheriff, or any Justice of the Peace for the County, and shall have all the Powers and Privileges which any Constable or Police Officer duly appointed has by virtue of the Common Law, or of any Statute, made or to be made, throughout the County for which they are so appointed, and also in all detached Parts of other Counties locally situated within such County, and in every Burgh situated wholly or in part in such County, and also in any County adjoining to the County for which they are appointed.

Duties of Constables.

XII. The Constables to be appointed in any County under this Act are hereby required, authorized, and empowered to guard, patrol, and watch within the County, according to such Regulations as may from Time to Time be prescribed by competent Authority under this Act, and to bring before the Sheriff or Justices of the Peace, One or more, all Persons who may be found within the County actually engaged in or committing any criminal, riotous, or disorderly Conduct or Act, including Offences committed on any Turnpike or Statute Labour Road, or otherwise, in contravention of the Provisions of the General or any Local Turnpike Act, or of the General or any Local Statute Labour Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place soever the same may have been or are suspected

suspected to have been committed, whether the same be of such a Kind as can competently be tried before such Sheriff or Justices, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the County, fall to be tried in another Jurisdiction; and such Constables shall perform all the Duties attaching to Constables or Police Officers within any County at the Date of the passing of this Act, and shall carry into effect, as far as may be, the whole Provisions and Regulations herein contained.

Constables may, in certain Cases, accept Bail or Deposit.

XIII. Upon the Apprehension of any Person charged with any Offence, such as may be competently tried by any Justice or Justices of the Peace, it shall be lawful for the Chief Constable, or any Superintendent of Police, or any Constable duly authorized by the Police Committee and in charge, for the Time being, of any Station House, Strong Room, or Lock-up, to accept, but only if he shall think fit, of Bail or Deposit, that such Person shall appear for Examination and Trial before the Sheriff or Justice of the Peace Court at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Ten Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and such Constable or other Officer shall enter in a Book to be kept for that Purpose the Names, Residence, and Occupation of the Party, and Person or Persons, if any, accepted as Bail, and the Amount and Condition thereof, and if Deposit be accepted shall enter the same in such Book, and grant an Acknowledgment for the Money or Article so deposited; and every such Bail shall be equally effectual and operative in all respects as if taken or accepted by any Magistrate.

Warrants and Deliverances in Criminal Proceedings to be executed by Constables.

XIV. All Warrants and Deliverances which may be issued in any Criminal Proceeding within any County by the Sheriff or any Justice or Justices of the Peace of such County may be served and executed, and all Services, Citations, and Executions in any Criminal Proceeding before the Sheriff or any Justice or Justices of the Peace of the County may be made and given, by any Constable of such County appointed under this Act.

Constables to perform Duties connected with the Police as directed by Sheriff or Justices.

XV. The Constables acting under this Act shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties as the Sheriff or the Justices of the Peace of the County may from Time to Time direct and require.

Constables not to receive to their

XVI. It shall not be lawful for any Constable acting under this or any of the recited Acts to receive to his own Use any Fee for the

own Use Fees for Performance of their Duties.

Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Clerk of Supply of the County, or otherwise for the Use of the County, or which may be payable to or applied in aid of any Police Superannuation Fund to be established under the Provisions of this Act.

Constables disqualified from voting at certain Elections.

XVII. No Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, or within Six Months after he shall have ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the County in which he is so appointed, or any Part thereof, or for any County adjoining thereunto, or for any Royal or Parliamentary Burgh or Town within any of the said Counties; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament as aforesaid; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Clerk of Supply of the County, to be by him applied for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Constables exempted from serving on Juries or in the Militia.

XVIII. All Constables appointed under this Act shall be exempt from being returned and from serving upon any Juries whatsoever, or in the Militia, nor shall they be inserted in any Jury Lists while they shall continue to be such Constables.

Constables not prevented from receiving Half Pay.

XIX. No Office or Employment as a Constable under this Act shall prevent the Holder thereof from receiving any Half Pay or Pension to which, if he did not hold or have such Office or Employment, he might be or become entitled.

Penalty on Constables for Neglect of Duty.

XX. Every Constable appointed under this Act who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before the Sheriff or any Two Justices of

of the Peace, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from any Salary or Wages due to such Offender, or, in the Discretion of the Sheriff or Justices by whom he shall be convicted, he may be imprisoned, with or without Hard Labour, for any Time not exceeding One Month.

Constables not to resign without Leave or Notice.

XXI. No Constable appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Chief Constable or Superintendent under whom he may be placed, or unless he shall give to such Chief Constable or Superintendent One Month's Notice in Writing of his Intention; and every Constable who shall resign or withdraw himself without such Leave or Notice shall be liable, on being convicted thereof, to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds.

Constables dismissed to deliver up Accoutrements, &c.

XXII. Every Constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty, to the Chief Constable or Superintendent, or to such Person and at such Time and Place as shall be directed by the said Chief Constable or Superintendent, shall be liable, on being convicted thereof before the Sheriff or any Two Justices of the Peace, to Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and it shall be lawful for the Sheriff or any Justice of the Peace to issue his Warrant to search for and seize to the Use of the County Police all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

XXIII. Every Person, not being a Constable appointed under this Act, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable, on being convicted thereof, to a Penalty not exceeding Ten Pounds.

Penalty on Publicans harbouring Constables during the Hours of Duty.

XXIV. If any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Constable appointed under this Act, or permit such Constable to abide or remain in his House, Shop, Room, or other Place, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid, being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Horses, &c. in the Service of the Police exempted from Toll.

No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of any Police Force established under the Provisions of this Act; provided, that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Chief Constable to make quarterly Reports.

XXV. Every Chief Constable shall, when so required, make quarterly Reports to the Police Committee, Sheriff, and Justices of the Peace of all Matters which they shall respectively require of him concerning the Police of the County, and shall obey all lawful Orders and Warrants of the Sheriff and Justices in the Execution of his Duty.

Allowances to Chief Constable, &c. for necessary Expenses.

In addition to the Salary to be paid to the Chief Constable of the County, reasonable Allowances shall be made to him for extraordinary Expenses necessarily incurred by him, and by the Constables under his Orders, in the Apprehension of Offenders, and in the Execution of his and their Duty under this Act; and all such Allowances shall be examined and audited by the Commissioners of Supply.

Expenses of County Police to be defrayed out of Police Assessments.

The Salaries and Allowances of the Chief Constable and other Constables, and all Expenses incurred in providing them with such Clothing, Accoutrements, and Necessaries as may be allowed by the Rules to be established under this Act, and all other Expenses incurred in putting this Act into execution, shall be defrayed by the Commissioners of Supply of the County out of the Police Assessments to be made and levied by them in Terms of this Act.

The

Police Assessment to be levied for the Purposes of this Act

The Commissioners of Supply of every County shall once in each Year, at one or other of their Statutory Meetings, impose an Assessment for the Purposes of this Act, to be called "The Police Assessment," upon all Lands and Heritages within such County, according to the yearly Value thereof, as established by the Valuation Rolls in force for the Time, under an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one), "for the Valuation of Lands and Heritages in Scotland," and otherwise in Terms of the said last-mentioned Act, and that at such Rate in every Year as the said Commissioners shall deem necessary, in order to provide sufficient Funds for all the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years; and the said Assessment so to be laid on in each Year shall be payable, as for the Period from Whitsunday in such Year to Whitsunday in the Year immediately following, and may be levied either on the Proprietor or Tenant of all such Lands and Heritages; but such Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that the said Commissioners shall not levy Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies.

Regulations as to Payment of small Assessments.

In the Case of Premises within any County not situated within the Landward Part of such County, let at a Rent under Four Pounds, or for a less Period than Half a Year, Deduction shall be allowed by the said Commissioners of the Assessment for each entire Period of Six Months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such Premises shall be unoccupied or not furnished.

Commissioners of Supply may grant Relief for Assessment in case of Poverty.

The Commissioners of Supply of any County may, on the Ground of Poverty or Inability of any Person liable in Police Assessment under this Act in respect of any Lands and Heritages separately let at a Rent not amounting to Four Pounds per Annum, remit in whole or part Payment of the said Assessment by such Person in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Mode of recovering Assessments.

The whole Powers and Right of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Rogue Money and the Police Assessment as hereby authorized

to be assessed and levied; and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant like Warrants for the Recovery of such Rogue Money and such Police Assessment, in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Rogue Money and Police Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Disputes as to Assessments to be summarily settled.

Any Dispute which may arise between the Commissioners of Supply of any County, or any Person or Persons acting under them, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment of Rogue Money or any Police Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the Sheriffdom in which such Dispute shall arise, or of the Sheriffdom the Commissioners of Supply of which have laid on such Assessment; and such Sheriff shall, on a written Petition being presented to him by either of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily, and such Decision shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review.

Repeal of 2 & 3 Vict. c. 65.

XXVI. The recited Act of the Second and Third Years of Her Majesty (Chapter Sixty-five) shall be and the same is hereby repealed: Provided always, that any Constables appointed in any County under the said recited Act may continue to act as such Constables until the Appointment of Constables in such County under this Act; provided also, that any Assessments laid on and levied or in the Course of Collection under the said recited Act, prior to the passing of this Act, may be levied and applied in Terms of the said recited Act, as if this Act had not been made, and any Surplus of such Assessments beyond what may be required for the Purposes of the said recited Act shall be applied to the Purposes of this Act in the County from which such Assessments are levied.

Detached Parts of Counties to be taken as Part of the County in which locally situated.

In assessing for the Purposes of this Act, the Commissioners of Supply shall assess and tax the whole County in Terms of this Act, including all detached Parts of other Counties forming Part of such County for the Purposes of this Act, and excluding all detached Parts of their own County forming Parts of other Counties for the Purposes of this Act; and for the Purposes of this Act all detached Parts

Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary.

Sheriffs and Justices may act in detached Parts of other Counties locally situate within their Counties.

XXVII. It shall be lawful for any Sheriff or Justice of the Peace of any County to act as Sheriff or Justice of the Peace in all Things whatsoever concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Sheriff or Justice of the Peace acts; and all Acts of such Sheriff or Justice, and of any Constable or other Officer in obedience thereto, shall be as good, and all Offenders in such detached Part may be committed for Trial, tried, convicted, and sentenced, and Judgment and Execution may be had upon them, in like Manner as if such detached Part were to all Intents and Purposes Part of the County for which such Sheriff or Justice acts; and all Constables and Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Sheriff or Justice, and to perform their several Duties in respect thereof under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Contributions to be paid on account of detached Parts of Counties.

It shall be lawful for the Commissioners of Supply of any County, for the Purpose of obtaining the Sum which ought to be contributed from any detached Part of any other County towards any Police Assessment under this Act, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Commissioners of Supply of the County to which such detached Part belongs to pay to them or to their Collector under this Act, out of the Monies collected in such last-mentioned County by way of Police Assessment, the Amount mentioned in the Warrant; and the Persons to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to them, pay the Amount or cause the same to be paid to the Collector of the County from which such Warrant shall have issued, and such Collector paying the same shall be allowed therefor in his Accounts with his County; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed; and Delivery of a Copy of any such Warrant, certified by the Clerk of Supply or Collector under this Act of the County from which it emanates, to the Clerk of Supply or Collector under this Act of the County to the Commissioners of Supply of which such Warrant is directed, shall be held to be Delivery of such Warrant to such last-mentioned Commissioners of Supply.

How such Contributions to be reimbursed.

For the Purpose of reimbursing the Collector or other Person by whom any such Sum shall have been paid, the Commissioners of Supply of the County to which such detached Part belongs shall lay on a Police Assessment at the Rate mentioned in the Warrant, upon such detached Part of their County, and such Assessment shall be levied and collected thereon in like Manner as the Police Assessment is levied and collected under this Act by the Commissioners of Supply of any County for the Expenses of the Police of their own County.

In case of Default in Payment the Amount may be levied directly on the detached District.

If Payment shall not be made within the said Forty Days, according to the Exigency of the Warrant, or if it shall seem more convenient to the Commissioners of Supply of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Assessment upon any such detached Part of another County in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Assessments the Commissioners of Supply of such first-mentioned County shall have within every such detached Part of another County the same Powers which they have for levying and collecting Police Assessments under this Act within the Limits of their own County, and such Assessments may be levied and collected by the like Methods as if such detached Parts of another County were to all Intents Part of such first-mentioned County.

Collector under this Act to be appointed by Commissioners of Supply.

The Commissioners of Supply of every County shall from Time to Time appoint One or more Collectors of Police Assessments under this Act to act during their Pleasure; and each such Collector shall be allowed, by way of Remuneration for collecting Assessments authorized to be levied under this Act, and for the Performance of the whole Duties of his Office under this Act, a Sum not exceeding the Rate of Five Pounds per Centum upon all such Sums as he shall collect and receive; and each such Collector, before he shall be permitted to take upon him the Execution of the said Office, shall grant Bond, with a sufficient Surety or Sureties, to the said Commissioners, for his Intromissions, and for the just and faithful Execution of his Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector shall forfeit treble the Amount thereof to the said Commissioners, and that without Prejudice to any Punishment to which he may be liable in respect thereof; and any Collector of Police Assessment under this Act may act as Collector of any other Assessment, Rate, or Tax which is or may be leviable under any Act of Parliament or otherwise.

Every

Collector to lodge all Monies received by him in Bank.

Every Collector of every County under this Act shall be bound to lodge all Money received by him in a Bank incorporated by Act of Parliament or by Royal Charter, or in One of the Branches of said Bank within the County, to be fixed by the said Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Commissioners or the Police Committee to be appointed under this Act, or any Two or more of them, or by any Person to be appointed for that Purpose by such Commissioners or Police Committee for the Purposes of this Act.

Collector, &c. to keep separate Accounts of Receipts and Expenditure.

The Collector of every County, and every Officer of the County, or other Person intromitting with any Sums received or paid under this Act, shall keep a separate Account thereof, and shall produce the same when called upon, and at least once in every Year, to the Commissioners of Supply, by whom the same shall be examined, allowed, and passed.

In case of Insolvency of Collectors. Deficiency may be assessed.

In case any Collector shall become insolvent, and that any Sums chargeable against him shall not be paid by him or his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed along with and as Part of the next or any succeeding annual Assessment under this Act.

Books of Accounts and Minutes of Proceedings to be kept by Commissioners of Supply.

Accounts of all Property, heritable and moveable, vested in the Commissioners of Supply for the Purposes of this Act, showing the Return of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the said Commissioners, shall be kept in Books by the Clerk of Supply, Collector, or other Person who may be appointed by the Commissioners; and all such Books of Accounts and Proceedings whatsoever may at all reasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff

shall proceed and hear and determine the Matter of such Complaint, and his Decision shall be final.

Accounts of Receipts and Expenditure to be annually made out and published.

The Commissioners of Supply of every County shall annually, and previous to the Tenth Day of July in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied during the Year to Whitsunday immediately preceding; and such Account, so soon as the same shall have been audited as herein-after provided, shall be signed by the Convener or any Two of the Commissioners of Supply and the Clerk of Supply, and shall be deposited with such Clerk of Supply, who shall forthwith cause to be printed and inserted in One or more of the Newspapers published or circulating in the County authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act within such County to inspect and examine such Accounts, at all reasonable Times, without Fee or Reward.

Auditors to be appointed.

The Commissioners of Supply of every County shall annually appoint One or more Persons, not being Commissioners, to be Auditor or Auditors of the Accounts of the Commissioners under this Act, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

Auditors to inspect and audit Accounts, and Appeal may be taken against any Part of such Audit to the Sheriff.

The Auditors so appointed shall attend at such Time and Place as may be fixed by the said Commissioners, and from Time to Time shall proceed to audit the Accounts of the said Commissioners for the preceding Year; and the said Commissioners shall, as soon as may be after the Thirtieth Day of July in every Year, lay before such Auditors the Accounts for the Year to Whitsunday preceding, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Ratepayer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct, such Auditors shall sign the same in token of their Allowance thereof; but if such Auditors think there is just Cause to disapprove of

of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the said Commissioners be dissatisfied with the Result of such Audit, they may appeal to the Sheriff, whose Decision shall be final: Provided always, that the said Audit shall be completed in every Year as soon as may be after the said Thirtieth Day of July, and at latest by the Thirtieth Day of September in such Year; provided also, that unless the Balance, as ascertained and fixed by the Auditors, shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

Three Commissioners of Supply to be a Quorum.

XXVIII. In all Proceedings under this Act any Three Commissioners of Supply shall be deemed to be a Quorum of such Commissioners, and shall be entitled to exercise all the Powers conferred on the general Body of Commissioners under this Act, and the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote in addition to his own Vote as a Member of the Committee.

Preses at Meetings to have Casting Vote.

XXIX. In all Meetings of Commissioners of Supply under or with reference to this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting.

Papers and Documents emanating from the Commissioners of Supply and Police Committee how to be authenticated.

XXX. For the Purposes of this Act, the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply or of the Chairman or Preses of a Meeting of the Police Committee adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole of the Police Committee present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Convener," "Chairman," or "Preses" shall be good primâ facie Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Actions by or against Commissioners of Supply how to be brought, and not to abate.

XXXI. All Actions, Suits, or Proceedings in respect to any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners of Supply of any County shall be in the Name of the Clerk of Supply or Collector appointed under this Act for the Time being, as the Party Pursuer or Defender representing the said Commissioners; and no such Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in

the Name of the Clerk of Supply or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in the said Commissioners; but the Clerk of Supply or Collector for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Superannuation Fund to be established for Constables.

There shall be deducted from the Pay of every Constable belonging to the Police Force established in any County under this Act a Sum after such yearly Rate as the Commissioners of Supply of the County shall direct, not being a greater Sum than Two Pounds Ten Shillings in a Hundred Pounds, which Sum so deducted, and also the Monies accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by the Sheriff or any Justice of the Peace on Summary Conviction, as shall be directed by such Sheriff or Justice to be paid for the Benefit of this Fund, and all Monies arising from the Sale of worn or cast Clothing supplied for the Use of the Constables in any County, shall from Time to Time be invested in such Manner as the Commissioners of Supply shall direct; and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise invested in the like Manner, and accumulate so as to form a Superannuation Fund, and shall be applied from Time to Time for Payment of such Superannuation or Retiring Allowances or Gratuities as may be ordered by the Commissioners of Supply, upon the Recommendation of the Chief Constable, at any Time, to any of the said Constables, as herein-after provided; and the Commissioners of Supply shall guarantee the Security of the Superannuation Fund of their County, and make good, out of the Police Assessments under this Act, any Deficiency which may arise in such Fund from the Default of any Collector or other Person intrusted with the Custody or Management thereof.

Rates of Allowance from the Superannuation Fund.

It shall be lawful for the Commissioners of Supply of any County, if they think fit, upon the Recommendation of the Chief Constable, to order that any of the said Constables may be superannuated, and receive out of the Superannuation Fund a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; (that is to say,) if he shall have served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds of his Pay: Provided always, that if any Constable shall be under Sixty Years of Age it shall not be lawful to grant him any such Allowance, unless upon a Certificate by the

the Chief Constable that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office; provided also, that if any Constable shall be disabled from any Wound or Injury received in the actual Execution of the Duty of his Office it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent him being dismissed without Superannuation Allowance.

Power to grant, out of the Superannuation Fund, Gratuities to incapacitated Constables.

It shall be lawful for the Commissioners of Supply of any County, if they think fit, upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who has not served so long as Fifteen Years, is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, to order that such Constable shall receive, out of the Superannuation Fund of the County to be established as aforesaid, such Sum in gross, as a Gratuity upon his Retirement, as to the said Commissioners of Supply may seem proper.

Deficiency in Superannuation Fund to be made up out of Assessments.

If at any Time any such Superannuation Fund be insufficient to pay the Superannuation or Retiring Allowances and Gratuities payable thereout, the Amount which such Fund shall from Time to Time be insufficient to pay shall be defrayed out of the Police Assessments to be levied under this Act, and where the County is divided into Police Districts shall be defrayed by the several Districts as Parts of the local Expenditure thereof, rateably in proportion to the Number of Constables appointed for each such District respectively.

Gratuities may be granted to Officers superseded by the County Police.

It shall be lawful for the Commissioners of Supply of any County, if they think fit, to grant Gratuities to such Officers as may be removed from their Appointments in consequence of the Duties of such Officers being transferred to Persons belonging to the Police Establishment, and to defray such Gratuities out of the Police Assessments to be levied under this Act.

Power to grant Superannuations to Chief Constables.

It shall be lawful for the Commissioners of Supply of any County, if they think fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, an annual Sum by way of Superannuation Allowance, and such Superannuation Allowance shall be paid out of the Police Assessments to be levied under this Act, and shall, in the case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age unless such Commissioners of Supply be satisfied that he is

incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, and the Provisions of this Act as to the proportionate Amount of the Superannuation Allowance of any Constable shall apply to the Superannuation Allowance to be granted to any Chief Constable.

On Establishment of County Constabulary under this Act old Police Force to be discontinued.

Upon the Appointment of Constables under this Act in any County the Power to appoint and pay, and to make Assessments for paying, any Constables under the Provisions of any Act (except as regards any Burgh within such County) other than this Act shall cease and determine, and all Sums of Money then already levied for the Purpose of such other Constables shall be applied, after defraying all Charges to which the same are then liable, in and towards the Purposes of this Act so far as regards such County: Provided always, that all Arrears of Assessments made for the Purposes aforesaid shall be levied and collected as if this Act had not been made; provided also, that nothing herein contained shall prevent or invalidate the Appointment of any Constable not paid out of County Assessments.

Station Houses and Strong Rooms or Lock-ups to be provided.

It shall be lawful for the Commissioners of Supply of any County, if they think fit, to order that Station Houses and Strong Rooms or Lock-ups, or any or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided in such Places and upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State, and for that Purpose to purchase and hold or to rent or hire Lands and Heritages, or to appropriate to that Purpose any Lands or Heritages belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, and the Expense of building, purchasing, hiring, or otherwise providing, repairing, and furnishing such Station Houses and Strong Rooms or Lock-ups, and all other Expenses attending the same, shall be defrayed out of the Police Assessments to be made and levied in Terms of this Act; and in case it shall appear to Her Majesty in Council, upon the Representation of One of Her Majesty's Principal Secretaries of State, that the Accommodation of Station Houses, Strong Rooms, or Lock-ups in any County is inadequate, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Commissioners of Supply of such County, and such Commissioners of Supply shall thereupon be bound, to provide such increased Accommodation of the Description aforesaid as may be prescribed by such Order in Council: Provided always, that nothing herein contained shall derogate from or affect any Powers of the General Board of Directors of Prisons.

XXXII. For

XXXII. For facilitating the Purchase of Lands and Heritages for the Purposes of this Act, the Provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall, for the Purposes of such Incorporation, mean the Commissioners of Supply of any County.

Provisions of 8 & 9 Vict. c. 19. for Purpose of Purchase of Station-houses, &c. incorporated with this Act.

It shall be lawful for the Commissioners of Supply of any County to borrow Money for the Purpose of purchasing any such Lands and Heritages, or of building any such Station Houses and Strong Rooms or Lock-ups, and to charge the future Police Assessments with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, of not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year

Money may be borrowed on Credit of Police Assessments

XXXIII. It shall be lawful for the Commissioners of Supply of any County, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of such County, to divide such County (including any detached Portion of another County united thereto) or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each such Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which such Determination shall have been grounded, shall be sent to One of Her Majesty's Principal Secretaries of State, and, if approved by such Secretary of State, such Division or Alteration shall be deemed to be and shall be completed.

Police Districts may be formed.

If the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expense of putting this Act into execution in such County or Part of such County shall be classed under Two Heads of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expense of the Salaries and Clothing of the Constables appointed for each District, and such other Expenses as the Commissioners of Supply, subject to the Ap-

Each Police District to pay for its own Constables.

proval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the Assessments under this Act shall be assessed and levied in such Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

In case it shall appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under this Act, will be liable to contribute, to the Police Assessment of any County for the Purposes of this Act, that a Distinction ought to be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Commissioners of Supply of such County to exercise the Powers given by this Act for the Division of such County into Police Districts; and such Commissioners of Supply shall thereupon, in manner directed by this Act, and subject to such Approval as herein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and in the event of such Police Districts or Number of Constables as so declared not being approved by the Secretary of State, he shall fix and declare the same; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in this Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by this Act, and the Assessments imposed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the Edinburgh Gazette One Month at least before such Petition shall be considered.

Burghs may agree to consolidate their Police with County Police.

It shall be lawful for the Commissioners of Supply of any County in which Constables shall have been appointed under this Act, and for the Magistrates and Town Council of any Burgh situated in or adjoining to such County, to agree together for the Consolidation of the County and Burgh Police Establishments; and in every such Case all the Constables appointed either for the County or the Burgh shall have all the Powers, Privileges, and Duties throughout

throughout the County and the Burgh, and the adjoining Counties, which Constables appointed for any County have within such County or adjoining Counties under this Act, and all the Provisions of this Act shall be taken to apply to the Burgh Constables as well as to the County Constables; and every such Agreement which shall have been agreed to by the Commissioners of Supply of the County on the one hand, and by the Magistrates and Town Council of the Burgh on the other hand, shall be binding on both Parties as soon as a Memorandum of such Agreement shall be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County on behalf of the County, and by the Chief Magistrate and Town Clerk of the Burgh on behalf of the Burgh; and when any such Agreement shall have been made between any County and any Burgh, either Party shall be empowered to put an end thereunto without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County, and, if given by the Burgh, to be signed by the Chief Magistrate and Town Clerk of the Burgh: Provided always, that no such Notice shall be given by the County or by the Burgh, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of the Commissioners of Supply of the County, or Three Fourths of the Magistrates and Town Council of the Burgh: Provided also, that no such Agreement for the Consolidation of County and Burgh Police shall be made, and no such Notice shall be given by any County or Burgh, without Consent of One of Her Majesty's Principal Secretaries of State.

Government of consolidated Police.

In all Cases where the Establishment of County and Burgh Constables shall be consolidated into One Police Establishment, the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Burgh Constables he shall report the Fact, with his Reasons for the Dismissal, to the Chief Magistrate of the Burgh; and the Police Authorities of the Burgh having Power to that Effect shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Burgh Constable who shall have been dismissed by the Chief Constable shall be capable of being reappointed for the same Burgh without the Consent of the Chief Constable; and no Constable of any Burgh whose Establishment of Constables is consolidated with the Establishment of County

Constables shall be dismissed by any Police Authority of the Burgh during the Time that any Agreement for such Consolidation shall be in force.

Her Majesty in Council, on Representation from Burghs, may arrange Terms of Consolidation with Counties.

In case it be represented to One of Her Majesty's Principal Secretaries of State by the Magistrates and Town Council of any Burgh that Application has been made by such Magistrates and Council to the Commissioners of Supply of any County in or adjoining to which such Burgh is situated, to consolidate the Police of such County and Burgh in the Manner provided by this Act, and that such Consolidation has not been effected, it shall be lawful for such Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect; and thereupon the Provisions of this Act shall become applicable as if such Consolidation had been effected by an Agreement made under this Act; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council shall seem just.

Annual Statement as to Crime in Counties and Burghs to be furnished to Secretary of State.

XXXIV. The Sheriffs of Counties and Magistrates of Burghs shall in the Month of October in every Year transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of such Secretaries may from Time to Time direct, for the Year ending the Twenty-ninth Day of September then last, of the Number of Offences reported to the Police within all Counties and Burghs respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such Counties and Burghs which such Sheriffs or Magistrates may think it material to furnish, and a classified Abstract of all such Reports shall be annually prepared and laid before Parliament.

Her Majesty may appoint Inspector of Police.

XXXV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint, during Her Majesty's Pleasure, One Inspector under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Burgh, and whether the Provisions of the Acts under which such Police are appointed are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, and other Premises occupied for the Use of such Police; and

and the Inspector so appointed shall report generally upon such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Report to be laid before Parliament; and such Inspector shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salary and Allowances as may be determined by the Commissioners of Her Majesty's Treasury.

On Certificate of Secretary of State that an efficient Police has been established in any County or Burgh, a Sum One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

XXXVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State that the Police of any County or Burgh has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year ending on the Twenty-ninth of September in the Year One thousand eight hundred and fifty-eight, or any subsequent Year, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay, from Time to Time, out of any Monies to be provided by Parliament for the Purpose, such a Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing: Provided, that before any such Certificate shall be finally withheld in respect of the Police of any County or Burgh, the Report of the Inspector relating to the Police of such County or Burgh shall be sent to the Commissioners of Supply of such County, or to the Magistrates or other Police Authority of such Burgh, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Commissioners of Supply or Magistrates or other Police Authority as aforesaid, shall be laid before Parliament.

but not to any Burgh where Population does not exceed 5,000, and not consolidated with Police of a County.

No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Burgh, not being consolidated with the Police of a County under this Act, the Population of which Burgh, according to the last Parliamentary Enumeration for the Time being, does not exceed Five thousand.

Burghs to be liable under 1 G. 1. c. 5. for Damages by Riots within Burgh.

XXXVII. Notwithstanding anything to the contrary contained in an Act passed in the First Year of the Reign of King George the First (Chapter Five), "for preventing Tumults and Riotous "Assemblies, and for the more speedy and effectual punishing the "Rioters," commonly called "The Riot Act," no County shall be liable for any Damages to Property recoverable under the said Act where the Property to which such Damage is done is situated in a Burgh; and all such Damages shall be payable by such Burgh, and shall be recoverable from such Burgh at the Instance of any Party aggrieved, and shall be raised and levied on the Inhabitants thereof, all

in the like Manner and Form and by the like Ways and Means as are provided in or enacted by the said last-mentioned Act, in the Case of any Damages recoverable under that Act from any City, Burgh, or Town in Scotland, being a County of itself, or from any other City, Burgh, or Town in Scotland liable in such Damages in Terms of said Act.

Recovery of Penalties under this Act.

XXXVIII. Every Penalty imposed by this Act may, unless otherwise specially provided, be recovered by summary Proceeding upon Complaint in Writing made in Name of any Chief Constable or Superintendent of Police, or Constable, or Clerk of Supply, to the Sheriff or Justices of the Peace of the County in which the Offence shall have been committed, or to the Sheriff or Justices of the Peace of any County in which the Offender may be found; and on such Complaint being made such Sheriff or Justices shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff or Justices to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff or Justices shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Months.

Application of Penalties.

XXXIX. The Sheriff or Justices by whom every Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

XL. The

XL. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall exclude or be repugnant to such Construction; (that is to say,) the Word "County" shall include Stewartry, and also all Burghs and Places within the County or Stewartry, not being a Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of the recited Act of the Third and Fourth of King William the Fourth (Chapter Forty-six), or of the recited Act of the Thirteenth and Fourteenth of Her Majesty (Chapter Thirty-three); the Word "Burgh" shall mean a Royal or Parliamentary or other Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of one or other of the Two last-mentioned Acts; the Expression "Landward Part of a County" shall include and apply to a County, exclusive of the Burghs situated therein; the Word "Sheriff," and the Words "the Sheriff," shall include Sheriff Substitute as well as Sheriff; the Expression "Lands and Heritages" shall have the like Signification as in the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one); the Expression "Commissioners of Supply," or "Commissioners of Supply of the County," shall mean the Commissioners of Supply of the County, exclusive of any Burgh or detached Part of any other County adjoining or locally situated within the same, and inclusive of any detached Part of such first-mentioned County locally situated in any other County; the Word "Constable" shall include "Chief Constable" and "Superintendent of Police," and every Grade of Constable or Police Officer; the Words "Clerk of Supply" shall extend and apply to any Person executing the Duties of Clerk of Supply, or who may be appointed by the Commissioners of Supply to be Clerk of Supply for the Purposes of this Act; the Words "Sheriff Clerk" shall extend to and apply to any Person executing the Duties of Sheriff Clerk; and the Word "Month" shall mean "Calendar Month." Interpretation Clause.

Police (Scotland).

A

BILL

INTITULED

An Act to render more effectual the Police in Counties and Burghs in Scotland.

(*Brought from the Lords* 13 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1857.

[Bill 127.]

Under 4 *oz.*

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to render more effectual the Police in Counties and Burghs in Scotland.

[Note.—*The Clauses* A. *to* A h. *were inserted in Committee.*]

WHEREAS an Act was passed in the Eleventh Year of King George the First (Chapter Twenty-six), "for more effectual disarming the Highlands in that Part of Great Britain called Scotland, and for the better securing the Peace and Quiet of that Part of the Kingdom," whereby the Freeholders of every Shire, County, or District in Scotland were authorized to assess the several Shires or Stewartries for raising a sufficient Fund to defray the Charges of apprehending, subsisting, and prosecuting Criminals; and another Act was passed in the Session of Parliament holden in the Second and Third Years of King William the Fourth (Chapter Sixty-five), "to amend the Representation of the People in Scotland," whereby the Collection and Application of the said Fund commonly called "Rogue Money" was transferred from the Freeholders to the Commissioners of Supply; and another Act was passed in the Session of Parliament holden in the Second and Third Years of Her Majesty (Chapter Sixty-five), "to amend the Mode of assessing the Rogue Money in Scotland, and to extend the Purposes of such Assessment," whereby the Commissioners of Supply of any County were authorized to levy with and as Part of the Rogue Money an additional Assessment for the Maintenance of a Constabulary or Police

Preamble.
11 G. 1. c. 26.
2 & 3 W. 4. c. 65.
2 & 3 Vict. c. 65.

Force in such County, and such additional Assessments have been levied and such Force has been established in some Counties in Scotland: And whereas an Act was passed in the Session of Parliament holden in the Third and Fourth Years of King William the Fourth (Chapter Forty-six), "to enable Burghs in Scotland to establish a general "System of Police," which Act was subsequently amended by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty (Chapter Thirty-nine); and an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty (Chapter Thirty-three), "to make more effectual Provision for regulating the Police of Towns and populous "Places in Scotland, and for paving, draining, cleansing, lighting, and "improving the same;" and the Three last-recited Acts have been adopted in whole or in part in some Burghs in Scotland: And whereas it is expedient that further and other Provision be made for securing an efficient Police Force throughout Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 & 4 W. 4. c. 46.

10 & 11 Vict. c. 39.

13 & 14 Vict. c. 33.

Commissioners of Supply to establish Police Force.

I. On the Twenty-ninth Day of September, or on some other Day thereafter not later than the Thirty-first Day of October One thousand eight hundred and fifty-seven the Commissioners of Supply of every County in Scotland shall hold a Meeting on such Day and at such Hour and Place as may be publicly notified by the Convener of the Commissioners of Supply by Advertisement at least Twenty-one Days previous to such Meeting in the Edinburgh Gazette and in some One or more Newspapers published in such County, or, if there be no such Newspaper, then in some One or more Newspapers published in an adjoining County or Counties, and at such Meeting or at any Adjournment thereof (not later than the said Thirty-first Day of October) the said Commissioners of Supply shall proceed to establish, from and after the Fifteenth Day of March One thousand eight hundred and fifty-eight, a sufficient Police Force for such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings in Writing to One of Her Majesty's Principal Secretaries of State.

Commissioners of Supply to appoint Police Committee to carry Act into execution.

II. The Commissioners of Supply of every County shall, at their First Meeting for the Purposes of this Act, or at any Adjournment thereof as aforesaid, on the Twenty-ninth Day of September, or on some other Day thereafter not later than the Thirty-first Day of October, and in all subsequent Years at their statutory Meeting on

on the Thirtieth Day of April, appoint certain of their own Number, being not more than Fifteen and not less than Three, which Persons so appointed, along with Her Majesty's Lieutenant and the Sheriff of the County (or, in the Absence of such Sheriff, One of his Substitutes to be by him nominated for that Purpose,) shall be called "The Police Committee," to manage and transact all or any Matters which such Police Committee is hereby required or authorized to do, execute, or perform; and every such Committee shall also have such or so many of the Powers and Authorities and Discretion by this Act given to and reposed in such Commissioners of Supply as such Commissioners of Supply shall think proper to delegate to such Committee; and such Police Committee shall elect One of their own Number to be their Chairman, and any Three Members of such Police Committee shall be a Quorum, and entitled to exercise all the Powers of such Police Committee; and at all Meetings of such Police Committee the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal the Chairman of the Police Committee, or in his Absence any Member chosen by said Committee to be Preses of the Meeting, shall have a Casting Vote in addition to his own Vote; and such Committee may from Time to Time appoint Sub-Committees, with such of the Powers of the said Committee as they may think fit.

Rules for Government, Pay, &c. of Constables to be made by Secretary of State.

III. Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under this Act shall from Time to Time be made by One of Her Majesty's Principal Secretaries of State, but not so as to increase the Number of Men proposed to be appointed; and the Rules so made shall be sent to the Clerk of Supply for every County, and shall be by him communicated to the Chairman of the Police Committee, the Sheriff Clerk, and Justice of Peace Clerk of such County respectively; and it shall be lawful for such Secretary of State, upon the Representation of the Commissioners of Supply of the County setting forth any special Reasons, from Time to Time to suspend any Part of such Rules, or to amend or add to such Rules, so as to make them applicable to the special Circumstances of such County; and all such Rules shall be binding on all Persons whom they may concern; and Copies of all such Rules shall be laid before both Houses of Parliament within Six Weeks after the making thereof, if Parliament be then sitting, and if Parliament be not then sitting then within Six Weeks after the next Meeting of Parliament.

Chief Constable of the County to be appointed.

IV. As soon as any such Rules, as finally settled, shall have been received from the Secretary of State, the Chairman of the Police Committee

and may serve for more than one County.

Committee of the County shall call a Meeting of the said Committee on not less than Ten or more than Twenty Days Notice, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the Approval of One of Her Majesty's Principal Secretaries of State, appoint a Person duly qualified according to the Rules to be Chief Constable of the County, from and after the said Fifteenth Day of May One thousand eight hundred and fifty-eight; and in every Case of Vacancy of the Office of Chief Constable the Chairman of the Police Committee shall call a Meeting of the Police Committee as aforesaid, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the like Approval, appoint a fit Person to be Chief Constable; and every Chief Constable may hold his Office until dismissed by the Police Committee; and it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties, if the Commissioners of Supply of such Counties shall agree to join in such Appointment.

Number of Constables may be increased or diminished.

V. It shall be lawful for the Commissioners of Supply, on the Recommendation of the Police Committee of any County, from Time to Time, with the Consent of One of Her Majesty's Principal Secretaries of State, to increase or diminish the Number of Constables appointed under this Act for such County.

Chief Constable to appoint the other Constables.

VI. The Chief Constable shall, subject to the Approval of the Police Committee, appoint the other Constables to be appointed for the County, and a Superintendent to be at the Head of the Constables in each Division of the County, and may dismiss all or any of them, and shall have the general Disposition and Government of all the Constables so to be appointed, subject to such lawful Orders as he may receive from the Sheriff, or from the Justices of the Peace in General or Quarter Sessions assembled, and to the Rules established for the Government of the Force in Terms of this Act: Provided always, that in the Case of any conflicting Orders being issued by the Sheriff and Justices of the Peace assembled as aforesaid, the Orders of the Sheriff shall be followed by the Chief Constable, until the Decision of One of Her Majesty's Principal Secretaries of State shall be pronounced on the Subject, which Decision, unless in so far as the same may be afterwards altered or modified by One of Her Majesty's Principal Secretaries of State, shall be final and conclusive.

Additional Constables may be appointed at the Cost of Individuals.

VII. It shall be lawful for the Chief Constable of any County, with the Approval of the Sheriff or of the Justices of the County in General or Quarter Sessions assembled, (if he shall think fit,) on the Application

Application of any Person or Persons, setting forth the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other Constables appointed under this Act: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving Fourteen Days Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

Provision for Appointment of Constables to keep the Peace on Public Works.

VIII. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such Public Work, or of any Two Justices of the Peace of such County usually acting in the District in or through which any such Public Work may be in the Course of Construction, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff or Justices may think fit, for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such Public Works, and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the Act; and such Sheriff shall decern the Company or other Parties carrying on such Public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any Public Work shall refuse or neglect, within Fourteen Days next after Demand thereof, to pay any such Wages and Allowances, or any Part thereof, as shall by such Sheriff have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expenses of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

8 Vict. c. 3. repealed after Twelve Months from the Date of this Act.

IX. The Act passed in the Session of Parliament holden in the Eighth Year of Her Majesty (Chapter Three), "for the Appointment "of Constables or other Officers for keeping the Peace near Public "Works in Scotland," shall be and the same is hereby repealed: Provided always, that the said last-mentioned Act shall continue in force for Twelve Months after the passing of this Act as regards all Constables or Peace Officers appointed and doing Duty under the said last-mentioned Act.

Chief Constable to appoint a Deputy.

X. The Chief Constable shall, subject to the Approval of the Police Committee, appoint One of the Superintendents or other Officer of the Police Force to act as his Deputy in case of his being incapable, from Illness or necessary Absence from the County, to perform the Duties of Chief Constable of the County; and the Deputy so appointed shall, in such Case as aforesaid, and also in case of any Vacancy of the Office of Chief Constable by Death or otherwise, have all the Powers, Privileges, and Duties of the Chief Constable: Provided always, that no Deputy Chief Constable shall be capable of continuing to act with the Powers of Chief Constable during any Vacancy of the Office for more than Three Months after the Vacancy has been occasioned.

Powers of Constables.

XI. The Chief Constable and other Persons so appointed shall, before the Sheriff, or any Justice of the Peace for the County, take the following Oath; videlicet,

'I hereby swear, That I will faithfully discharge the Duties of the 'Office of Constable;'

and shall have all the Powers and Privileges which any Constable or Police Officer duly appointed has by virtue of the Common Law, or of any Statute, made or to be made, throughout the County for which they are so appointed, and also in all detached Parts of other Counties locally situated within such County, and also in any Harbour, Bay, Lock, or Anchorage within or adjoining such County, and in every Burgh situated wholly or in part in such County, and also in any County adjoining to the County for which they are appointed; and it shall be lawful to any Constable appointed for any One of the Border Counties of England or Scotland respectively, (that is to say,) the Counties of Northumberland, Cumberland, Berwick, Roxburgh, or Dumfries, to execute within any of such Counties the lawful Warrant of any Sheriff, Justice of the Peace, or other Magistrate, for the Apprehension of any Person accused or convicted of a Criminal Offence committed, or for the recovering of any Goods alleged to have been stolen, within the County of which such Constable had been duly appointed One of the

the Constables, in like Manner as such Warrant might be executed by such Constable within the said last described County.

Duties of Constables.

XII. The Constables to be appointed in any County under this Act are hereby required, authorized, and empowered to guard, patrol, and watch within the County, according to such Regulations as may from Time to Time be prescribed by competent Authority under this Act, and to bring before the Sheriff or Justices of the Peace, One or more, all Persons who may be found within the County actually engaged in or committing any criminal, riotous, or disorderly Conduct or Act, including Offences committed on any Turnpike or Statute Labour Road, or otherwise, in contravention of the Provisions of the General or any Local Turnpike Act, or of the General or any Local Statute Labour Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can competently be tried before such Sheriff or Justices, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the County, fall to be tried in another Jurisdiction; and such Constables shall perform all the Duties attaching to Constables or Police Officers within any County at the Date of the passing of this Act, and shall carry into effect, as far as may be, the whole Provisions and Regulations herein contained.

Constables may, in certain Cases, accept Bail or Deposit.

XIII. Upon the Apprehension of any Person charged with any Offence, such as may be competently tried by any Justice or Justices of the Peace, it shall be lawful for the Chief Constable, or any Superintendent of Police, or any Constable duly authorized by the Police Committee, and in charge for the Time being of any Station House, Strong Room, or Lock-up, to accept, but only if he shall think fit, of Bail or Deposit, that such Person shall appear for Examination and Trial before the Sheriff or Justice of the Peace Court at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Ten Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and such Constable or other Officer shall enter in a Book to be kept for that Purpose the Names, Residence, and Occupation of the Party, and Person or Persons, if any, accepted as Bail, and the Amount and Condition thereof, and if Deposit be accepted shall forthwith enter the same in such Book, and grant an Acknowledgment for the Money or Article so deposited; and every such Bail shall be

equally effectual and operative in all respects as if taken or accepted by any Magistrate.

Warrants and Deliverances in Criminal Proceedings to be executed by Constables.

XIV. All Warrants and Deliverances which may be issued in any Criminal Proceeding within any County by the Sheriff or any Justice or Justices of the Peace of such County, or Magistrates of Boroughs forming Part of such County for the Purposes of this Act, may be served and executed, and all Services, Citations, and Executions in any Criminal Proceeding before such Sheriff, Justices, or Magistrate, may be made and given, by any Constable of such County appointed under this Act.

Constables to perform Duties connected with the Police as directed by Sheriff or Justices.

XV. The Constables acting under this Act shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties as the Sheriff or the Justices of the Peace of the County may from Time to Time direct and require.

Constables not to receive to their own Use Fees for Performance of their Duties.

XVI. It shall not be lawful for any Constable acting under this or any of the recited Acts to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Clerk of Supply of the County, or otherwise for the Use of the County.

Constables disqualified from voting at certain Elections.

XVII. No Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, or within Six Months after he shall have ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the County in which he is so appointed, or any Part thereof, or for any County adjoining thereunto, or for any Royal or Parliamentary Burgh or Town within any of the said Counties; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to induce any Elector to give, or abstain from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament as aforesaid; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Clerk of Supply of the County, to be by him applied for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment

ment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Constables exempted from serving on Juries or in the Militia.

XVIII. All Constables holding Office under this Act shall be exempt from being returned and from serving upon any Juries whatsoever, or in the Militia, nor shall they be inserted in any Jury Lists.

Constables not prevented from receiving Half Pay.

XIX. No Office or Employment as a Constable under this Act shall prevent the Holder thereof from receiving any Half Pay or Pension to which, if he did not hold or have such Office or Employment, he might be or become entitled.

Penalty on Constables for Neglect of Duty.

XX. Every Constable appointed under this Act who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before the Sheriff or any Two Justices of the Peace, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from any Salary or Wages due to such Offender, or, in the Discretion of the Sheriff or Justices by whom he shall be convicted, he may be imprisoned, with or without Hard Labour, for any Time not exceeding One Month.

Constables not to resign without Leave or Notice.

XXI. No Constable appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Chief Constable or Superintendent under whom he may be placed, or unless he shall give to such Chief Constable or Superintendent One Month's Notice in Writing of his Intention; and every Constable who shall resign or withdraw himself without such Leave or Notice shall be liable, on being convicted thereof, to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds.

Constables dismissed to deliver up Accoutrements, &c.

XXII. Every Constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty, to the Chief Constable or Superintendent, or to such Person and at such Time and Place as shall be directed by the said Chief Constable or Superintendent, shall be liable, on being convicted thereof before the Sheriff or any Two Justices of the Peace, to Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and it shall be lawful for the Sheriff or any Justice of the Peace to issue his Warrant to search for and seize to the Use of the County Police all the Clothing, Accoutrements,

coutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

XXIII. Every Person, not being a Constable appointed under this Act, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable, on being convicted thereof, to a Penalty not exceeding Ten Pounds.

Penalty on Publicans harbouring Constables during the Hours of Duty.

XXIV. If any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Constable appointed under this Act, or permit such Constable to abide or remain in his House, Shop, Room, or other Place, to the Neglect of his Duty, during any Part of the Time appointed for his being on such Duty, every such Victualler or Keeper as aforesaid, being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Clause A. Horses, &c. in the Service of the Police exempted from Toll.

XXV. No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of any Police Force established under the Provisions of this Act; provided, that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Chief Constable to make Reports.

XXVI. Every Chief Constable shall, when so required, make Reports to the Police Committee, Sheriff, and Justices of the Peace, and Magistrates of Burghs forming Part of any County for the Purposes of this

this Act, or consolidated therewith under this Act, of all Matters which they shall respectively require of him concerning the Police of the County or Burgh respectively, and shall obey all lawful Orders and Warrants of the Sheriff and Justices in the Execution of his Duty.

CLAUSE B. Allowances to Chief Constable, &c. for necessary Expenses.

XXVII. In addition to the Salary to be paid to the Chief Constable of the County, reasonable Allowances shall be made to him for extraordinary Expenses necessarily incurred by him, and by the Constables under his Orders, in the Apprehension of Offenders, and in the Execution of his and their Duty under this Act; and all such Allowances shall be examined and audited, and, if not disallowed, paid by the Commissioners of Supply.

CLAUSE C. Expenses of County Police to be defrayed out of Police Assessments.

XXVIII. The Salaries and Allowances of the Chief Constable and other Constables, and all Expenses incurred in providing them with such Clothing, Accoutrements, and Necessaries as may be allowed by the Rules to be established under this Act, and all other Expenses incurred in putting this Act into execution, shall be defrayed by the Commissioners of Supply of the County out of the Police Assessments to be made and levied by them in Terms of this Act.

CLAUSE D. Police Assessment to be levied for the Purposes of this Act.

XXIX. The Commissioners of Supply of every County shall once in each Year impose an Assessment for the Purposes of this Act, to be called "The Police Assessment," upon all Lands and Heritages within such County, according to the yearly Value thereof, as established by the Valuation Rolls in force for the Year of Assessment, under an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one), "for the Valuation of Lands and Heritages in Scotland," and otherwise in Terms of the said last-mentioned Act, and that at such Rate in every Year as the said Commissioners shall deem necessary, in order to provide sufficient Funds for all the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years; and the said Assessment so to be laid on in each Year shall be payable, as for the Period from Whitsunday in such Year to Whitsunday in the Year immediately following, and may be levied either on the Proprietor or Tenant of all such Lands and Heritages; but such Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that the said Commissioners shall not levy Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be un-

occupied and unfurnished during the whole Period to which such Assessment applies.

CLAUSE E. Regulations as to Payment of small Assessments.

XXX. In the Case of Premises within any County not situated within the Landward Part of such County, let at a Rent under Four Pounds, or for a less Period than Half a Year, Deduction shall be allowed by the said Commissioners of the Assessment for each entire Period of Six Months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such Premises shall be unoccupied or not furnished.

CLAUSE F. Commissioners of Supply may grant Relief for Assessment in case of Poverty.

XXXI. The Commissioners of Supply of any County may, on the Ground of Poverty or Inability of any Person liable in Police Assessment under this Act in respect of any Lands and Heritages in Value not amounting to Four Pounds per Annum, remit in whole or part Payment of the said Assessment by such Person in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

CLAUSE G. Mode of recovering Assessments.

XXXII. The whole Powers and Right of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Rogue Money and the Police Assessment as hereby authorized to be assessed and levied; and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant like Warrants for the Recovery of such Rogue Money and such Police Assessment, in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Rogue Money and Police Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

CLAUSE H. Disputes as to Assessments to be summarily settled.

XXXIII. Any Dispute which may arise between the Commissioners of Supply of any County, or any Person or Persons acting under them, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment of Rogue Money or any Police Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the Sheriffdom in which such Dispute shall arise, or of the Sheriffdom the Commissioners of Supply of which have laid on such Assessment; and such Sheriff shall, on a written Petition being presented to him by either of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily, and such Decision shall be

be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review.

Repeal of 2 & 3 Vict. c. 65.

XXXIV. The recited Act of the Second and Third Years of Her Majesty (Chapter Sixty-five) shall be and the same is hereby repealed: Provided always, that any Constables appointed in any County under the said recited Act may continue to act as such Constables until the Appointment of Constables in such County under this Act; provided also, that any Assessments laid on and levied or in the Course of Collection under the said recited Act, prior to the passing of this Act, may be levied and applied in Terms of the said recited Act, as if this Act had not been made, and any Surplus of such Assessments beyond what may be required for the Purposes of the said recited Act shall be applied to the Purposes of this Act in the County from which such Assessments are levied.

Clause I. Detached Parts of Counties to be taken as Part of the County in which locally situated.

XXXV. In assessing for the Purposes of this Act, the Commissioners of Supply shall assess and tax the whole County in Terms of this Act, including all detached Parts of other Counties forming Part of such County for the Purposes of this Act, and excluding all detached Parts of their own County forming Parts of other Counties for the Purposes of this Act; and for the Purposes of this Act all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary.

Sheriffs and Justices may act in detached Parts of other Counties locally situate within their Counties.

XXXVI. It shall be lawful for any Sheriff or Justice of the Peace of any County to act as Sheriff or Justice of the Peace in all Things whatsoever concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Sheriff or Justice of the Peace acts; and all Acts of such Sheriff or Justice, and of any Constable or other Officer in obedience thereto, shall be as good, and all Offenders in such detached Part may be committed for Trial, tried, convicted, and sentenced, and Judgment and Execution may be had upon them, in like Manner as if such detached Part were to all Intents and Purposes Part of the County for which such Sheriff or Justice acts; and all Constables and Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Sheriff or Justice, and to perform their several Duties in respect thereof under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Clause J. Contributions to be paid on

XXXVII. It shall be lawful for the Commissioners of Supply of any County, for the Purpose of obtaining the Sum which ought to be

account of detached Parts of Counties.

be contributed from any detached Part of any other County towards any Police Assessment under this Act, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Commissioners of Supply of the County to which such detached Part belongs to pay to them or to their Collector under this Act, out of the Monies collected in such last-mentioned County by way of Police Assessment, the Amount mentioned in the Warrant; and the Persons to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to them, pay the Amount or cause the same to be paid to the Collector of the County from which such Warrant shall have issued, and such Collector paying the same shall be allowed therefor in his Accounts with his County; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed; and Delivery of a Copy of any such Warrant, certified by the Clerk of Supply or Collector under this Act of the County from which it emanates, to the Clerk of Supply or Collector under this Act of the County to the Commissioners of Supply of which such Warrant is directed, shall be held to be Delivery of such Warrant to such last-mentioned Commissioners of Supply.

Clause K. How such Contributions to be reimbursed.

XXXVIII. For the Purpose of reimbursing the Collector or other Person by whom any such Sum shall have been paid, the Commissioners of Supply of the County to which such detached Part belongs shall lay on a Police Assessment at the Rate mentioned in the Warrant, upon such detached Part of their County, and such Assessment shall be levied and collected thereon in like Manner as the Police Assessment is levied and collected under this Act by the Commissioners of Supply of any County for the Expenses of the Police of their own County.

Clause L. In case of Default in Payment the Amount may be levied directly on the detached District.

XXXIX. If Payment shall not be made within the said Forty Days, according to the Exigency of the Warrant, or if it shall seem more convenient to the Commissioners of Supply of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Assessment upon any such detached Part of another County in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Assessments the Commissioners of Supply of such first-mentioned County shall have within every such detached Part of another County the same Powers which they have for levying and collecting Police Assessments under this Act within the Limits of their own County, and such Assessments may be levied and collected by the like Methods as if such detached Parts of another County were to all Intents Part of such first-mentioned County.

XL. The

CLAUSE M. Collector under this Act to be appointed by Commissioners of Supply.

XL. The Commissioners of Supply of every County shall from Time to Time appoint One or more Collectors of Police Assessments under this Act to act during their Pleasure; and each such Collector shall be allowed, by way of Remuneration for collecting Assessments authorized to be levied under this Act, and for the Performance of the whole Duties of his Office under this Act, a Sum not exceeding the Rate of Five Pounds per Centum upon all such Sums as he shall collect and receive; and each such Collector, before he shall be permitted to take upon him the Execution of the said Office, shall grant Bond, with a sufficient Surety or Sureties, to the said Commissioners, for his Intromissions, and for the just and faithful Execution of his Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector shall forfeit treble the Amount thereof to the said Commissioners, and that without Prejudice to any Punishment to which he may be liable in respect thereof; and any Collector of Police Assessment under this Act may act as Collector of any other Assessment, Rate, or Tax which is or may be leviable under any Act of Parliament or otherwise.

CLAUSE N. Collector to lodge all Monies received by him in Bank.

XLI. Every Collector of every County under this Act shall be bound to lodge all Money received by him in a Bank of Issue, or in One of the Branches of such Bank within the County, to be fixed by the said Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Commissioners or the Police Committee to be appointed under this Act, or any Two or more of them, or by any Person to be appointed for that Purpose by such Commissioners or Police Committee for the Purposes of this Act.

CLAUSE O. Collector, &c. to keep separate Accounts of Receipts and Expenditure.

XLII. The Collector of every County, and every Officer of the County, or other Person intromitting with any Sums received or paid under this Act, shall keep a separate Account thereof, and shall produce the same when called upon, and at least once in every Year, to the Commissioners of Supply, by whom the same shall be examined, and, if allowed, passed.

CLAUSE P. In case of Insolvency of Collectors, Deficiency may be assessed.

XLIII. In case any Collector shall become insolvent, and that any Sums chargeable against him shall not be paid by him or his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed along with and as Part of the next or any succeeding annual Assessment under this Act.

CLAUSE Q. Books of Accounts and Minutes

XLIV. Accounts of all Property, Heritable and Moveable, vested in the Commissioners of Supply for the Purposes of this Act, showing the

of Proceedings to be kept by Commissioners of Supply.

Return of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the said Commissioners, shall be kept in Books by the Clerk of Supply, Collector, or other Person who may be appointed by the Commissioners; and all such Books of Accounts and Proceedings whatsoever may at all reasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed and hear and determine the Matter of such Complaint, and his Decision shall be final.

CLAUSE R. Accounts of Receipts and Expenditure to be annually made out and published.

XLV. The Commissioners of Supply of every County shall annually, and previous to the Fifteenth Day of March in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied during the Year to Whitsunday immediately preceding; and such Account, so soon as the same shall have been audited as herein-after provided, shall be signed by the Convener or any Two of the Commissioners of Supply and the Clerk of Supply, and shall be deposited with such Clerk of Supply, who shall forthwith cause to be printed and inserted in One or more of the Newspapers published or circulating in the County authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act within such County to inspect and examine such Accounts, at all reasonable Times, without Fee or Reward.

CLAUSE S. Auditors to be appointed.

XLVI. The Commissioners of Supply of every County shall annually appoint One or more Persons, not being Commissioners, to be Auditor or Auditors of the Accounts of the Commissioners under this Act, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and

and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

CLAUSE T. Auditors to inspect and audit Accounts, and Appeal may be taken against any Part of such Audit to the Sheriff.

XLVII. The Auditors so appointed shall attend at such Time and Place as may be fixed by the said Commissioners, and from Time to Time shall proceed to audit the Accounts of the said Commissioners for the preceding Year; and the said Commissioners shall, as soon as may be after the Twenty-fifth Day of March in every Year, lay before such Auditors the Accounts for the Year to Fifteenth Day of March preceding, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Ratepayer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct, such Auditors shall sign the same in token of their Allowance thereof; but if such Auditors think there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the said Commissioners be dissatisfied with the Result of such Audit, they may appeal to the Sheriff, whose Decision shall be final: Provided always, that the said Audit shall be completed in every Year as soon as may be after the said Twenty-fifth Day of March, and at latest by the Thirtieth Day of April in such Year; provided also, that unless the Balance, as ascertained and fixed by the Auditors, shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

Three Commissioners of Supply to be a Quorum.

XLVIII. In all Proceedings under this Act any Three Commissioners of Supply shall be deemed to be a Quorum of such Commissioners, and shall be entitled to exercise all the Powers conferred on the general Body of Commissioners under this Act, and the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote in addition to his own Vote.

Preses at Meetings to have Casting Vote.

Convener to act as Preses.

XLIX. In all Meetings of Commissioners of Supply under or with reference to this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting.

Papers and Documents emanating

L. For the Purposes of this Act, the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply or of the

from the Commissioners of Supply and Police Committee how to be authenticated.

Chairman or Preses of a Meeting of the Police Committee adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole of the Police Committee present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Convener," "Chairman," or "Preses" shall be good primâ facie Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Actions by or against Commissioners of Supply how to be brought, and not to abate.

LI. All Actions, Suits, or Proceedings in respect to any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners of Supply of any County shall be in the Name of the Clerk of Supply or Collector appointed under this Act for the Time being, as the Party Pursuer or Defender representing the said Commissioners; and no such Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of the Clerk of Supply or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in the said Commissioners; but the Clerk of Supply or Collector for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Clause U. Power to grant, out of the Superannuation Fund, Gratuities to incapacitated Constables.

LII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, and upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who is Sixty Years of Age, is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, to order that such Constable shall receive, out of the Police Assessment to be levied as aforesaid, such Sum in gross, as a Gratuity upon his Retirement, as to the said Commissioners of Supply may seem proper.

Clause V. Power to grant Superannuations to Chief Constables.

LIII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, a Sum by way of Superannuation Allowance, and such Superannuation Allowance shall be paid out of the Police Assessments to be levied under this Act, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age unless such Commissioners of Supply be satisfied that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office; Provided always, that all such Sums

Sums or Allowances shall be subject to the following Conditions, and shall not exceed the following Proportions; (that is to say,) if the Constable retiring shall have served for Fifteen Years and less than Twenty Years, a Sum which shall not be more than equal to Three Years Pay; if for Twenty Years and upwards, a Sum which shall not be more than equal to Five Years Pay: Provided also, that if any such Constable shall be disabled or killed in the actual Execution of his Office it shall be lawful to pay him or his Heirs a Sum which shall not be more than equal to Eight Years Pay, but nothing herein contained shall entitle any Constable absolutely to any Gratuity or Allowance.

CLAUSE W. On Establishment of County Constabulary under this Act old Police Force to be discontinued.

LIV. Upon the Appointment of Constables under this Act in any County the Power to appoint and pay, and to make Assessments for paying, any Constables under the Provisions of any Act (except as regards any Burgh within such County) other than this Act shall cease and determine, and all Sums of Money then already levied for the Purpose of such other Constables shall be applied, after defraying all Charges to which the same are then liable, in and towards the Purposes of this Act so far as regards such County: Provided always, that all Arrears of Assessments made for the Purposes aforesaid shall be levied and collected as if this Act had not been made; provided also, that nothing herein contained shall prevent or invalidate the Appointment of any Constable not paid out of County Assessments.

CLAUSE X. Station Houses and Strong Rooms or Lock-ups to be provided.

LV. It shall be lawful for the Commissioners of Supply of any County, if they think fit, to order that Station Houses and Strong Rooms or Lock-ups, or any or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State, and for that Purpose to purchase and hold or to rent or hire Lands and Heritages, or to appropriate to that Purpose any Lands or Heritages belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, and the Expense of building, purchasing, hiring, or otherwise providing, repairing, and furnishing such Station Houses and Strong Rooms or Lock-ups, and all other Expenses attending the same, shall be defrayed out of the Police Assessments to be made and levied in Terms of this Act.

Provisions of 8 & 9 Vict. c. 19. for Purpose of

LVI. For facilitating the Purchase of Lands and Heritages for the Purposes of this Act, the Provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," except the Provisions with respect

Purchase of Station-houses, &c. incorporated with this Act.

respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall, for the Purposes of such Incorporation, mean the Commissioners of Supply of any County.

CLAUSE Y. Money may be borrowed on Credit of Police Assessments.

LVII. It shall be lawful for the Commissioners of Supply of any County to borrow Money for the Purpose of purchasing any such Lands and Heritages, or of building any such Station Houses and Strong Rooms or Lock-ups, and to charge the future Police Assessments with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, of not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year.

Police Districts may be formed.

LVIII. It shall be lawful for the Commissioners of Supply of any County, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of such County, to divide such County (including any detached Portion of another County united thereto) or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each such Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which such Determination shall have been grounded, shall be sent to One of Her Majesty's Principal Secretaries of State, and, if approved by such Secretary of State, such Division or Alteration shall be deemed to be and shall be completed.

CLAUSE Z. Each Police District to pay for its own Constables.

LIX. If the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expense of putting this Act into execution in such County or Part of such County shall be classed under Two Heads of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expense of the Salaries and Clothing of the Constables appointed for each District, and such other Expenses as the Commissioners of Supply, subject to the Approval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the

the Assessments under this Act shall be assessed and levied in such Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

CLAUSE A a. Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

LX. In case it shall appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under this Act, will be liable to contribute, to the Police Assessment of any County for the Purposes of this Act, that a Distinction ought to be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Commissioners of Supply of such County to exercise the Powers given by this Act for the Division of such County into Police Districts; and such Commissioners of Supply shall thereupon, in manner directed by this Act, and subject to such Approval as herein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and in the event of such Police Districts or Number of Constables as so declared not being approved by the Secretary of State, he shall fix and apportion the same; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in this Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by this Act, and the Assessments imposed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the Edinburgh Gazette One Month at least before such Petition shall be considered.

CLAUSE A b. Burghs may agree to consolidate their Police with County Police.

LXI. It shall be lawful for the Commissioners of Supply of any County, and for the Magistrates and Town Council of any Burgh situated in or adjoining to such County, to agree together for the Consolidation of the County and Burgh Police Establishments; and in every such Case all the Constables appointed either for the County or the Burgh shall have all the Powers, Privileges, and Duties throughout the County and the Burgh, and the adjoining Counties, which Constables appointed for any County have within such County

or adjoining Counties under this Act, and all the Provisions of this Act shall be taken to apply to the Burgh Constables as well as to the County Constables; and the Magistrates and Council of the Burgh shall thereupon forthwith, and thereafter annually on or before the Thirtieth Day of April, appoint to be Members of the Police Committee herein-before mentioned One or more of their Number as may have been fixed in such Agreement, who, while the Agreement subsists, shall have the like Powers, as Members of such Committee, with the Members appointed by the Commissioners of Supply; and every such Agreement which shall have been agreed to by the Commissioners of Supply of the County on the one hand, and by the Magistrates and Town Council of the Burgh on the other hand, shall be binding on both Parties as soon as a Memorandum of such Agreement shall be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County on behalf of the County, and by the Chief Magistrate and Town Clerk of the Burgh on behalf of the Burgh; and when any such Agreement shall have been made between any County and any Burgh, either Party shall be empowered to put an end thereunto without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County, and, if given by the Burgh, to be signed by the Chief Magistrate and Town Clerk of the Burgh: Provided always, that no such Notice shall be given by the County or by the Burgh, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of a Meeting of the Commissioners of Supply of the County specially convened for the Purpose, or at One or other of the statutory Meetings of the Commissioners of Supply, Fourteen Days Notice having been given of the Intention to bring such Subject before the Meeting, or Three Fourths of the Magistrates and Town Council of the Burgh; and no such Notice shall be given by any County or Burgh, without Consent of One of Her Majesty's Principal Secretaries of State.

Clause Ac. Government of consolidated Police.

LXII. In all Cases where the Establishment of County and Burgh Constables shall be consolidated into One Police Establishment, the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Burgh Constables he shall report the Fact, with his Reasons for the Dismissal, to the Chief Magistrate of the Burgh; and the Police Authorities of the Burgh having Power to that Effect shall

shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Burgh Constable who shall have been dismissed by the Chief Constable shall be capable of being reappointed for the same Burgh without the Consent of the Chief Constable; and no Constable of any Burgh whose Establishment of Constables is consolidated with the Establishment of County Constables shall be dismissed by any Police Authority of the Burgh during the Time that any Agreement for such Consolidation shall be in force.

Clause Ad. Her Majesty in Council, on Representation from Burghs, may arrange Terms of Consolidation with Counties.

LXIII. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Magistrates and Town Council of any Burgh that Application has been made by such Magistrates and Council to the Commissioners of Supply of any County in or adjoining to which such Burgh is situated, to consolidate the Police of such County and Burgh in the Manner provided by this Act, and that such Consolidation has not been effected, it shall be lawful for such Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect; and thereupon the Provisions of this Act shall become applicable as if such Consolidation had been effected by an Agreement made under this Act; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council shall seem just.

Annual Statement as to Crime in Counties and Burghs to be furnished to Secretary of State.

LXIV. The Sheriffs of Counties and Magistrates of Burghs shall in the Month of October in every Year transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of such Secretaries may from Time to Time direct, for the Year ending the Twenty-ninth Day of September then last, of the Number of Offences reported to the Police within all Counties and Burghs respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such Counties and Burghs which such Sheriffs or Magistrates may think it material to furnish, and a classified Abstract of all such Reports shall be annually prepared and laid before Parliament.

Her Majesty may appoint Inspector of Police.

LXV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint, during Her Majesty's Pleasure,

One Inspector under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Burgh, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, and other Premises occupied for the Use of such Police; and the Inspector so appointed shall report generally upon such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Report to be laid before Parliament; and such Inspector shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salary and Allowances as may be determined by the Commissioners of Her Majesty's Treasury.

On Certificate of Secretary of State that an efficient Police has been established in any County or Burgh, a Sum One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

LXVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State that the Police of any County or Burgh has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year or Period ending on the Fifteenth Day of March in each Year, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay, from Time to Time, out of any Monies to be provided by Parliament for the Purpose, such a Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing: Provided, that before any such Certificate shall be finally withheld in respect of the Police of any County or Burgh, the Report of the Inspector relating to the Police of such County or Burgh shall be sent to the Commissioners of Supply of such County, or to the Magistrates or other Police Authority of such Burgh, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Commissioners of Supply or Magistrates or other Police Authority as aforesaid, shall be laid before Parliament.

Clause Ante, but not to any Burgh where Population does not exceed 5,000, and not consolidated with Police of a County.

LXVII. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Burgh, not being consolidated with the Police of a County under this Act, the Population of which Burgh, according to the last Parliamentary Enumeration for the Time being, does not exceed Five thousand.

Recovery of Penalties under this Act.

LXVIII. Every Penalty imposed by this Act may, unless otherwise specially provided, be recovered by summary Proceeding upon Complaint in Writing made in Name of any Chief Constable or Superintendent of Police, or Constable, or Clerk of Supply, to the Sheriff or Justices of the Peace of the County in which the Offence shall have been committed, or to the Sheriff or Justices of the Peace of any County in which the Offender may be found; and on such Complaint

Complaint being made such Sheriff or Justices shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff or Justices to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff or Justices shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Months.

Application of Penalties.

LXIX. The Sheriff or Justices by whom every Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

Clause A f. Parishes of Cumbernauld and Kirkintilloch to be considered as Part of County of Dumbarton.

LXX. The Parishes of Cumbernauld and Kirkintilloch shall be considered as forming Part of the County of Dumbarton, unless a Majority of Two Thirds of the Commissioners of Supply of the County, and of Two Thirds of the Commissioners of Supply qualified within the said Parishes, shall be of opinion that it would be more for the public Advantage that they should, for the Purposes of this Act, be considered as forming Part of the County of Stirling or of the County of Lanark, in which Case they shall form Part of such One of the said Counties as shall be agreed to by the Majority of Commissioners of Supply as aforesaid.

Clause A g. Parishes of Tulliallan and Culross, and Perthshire, Por-

LXXI. For the Purposes of this Act, the Parishes of Tulliallan and Culross, and the Perthshire Portions of the Parish of Logie, shall be considered as forming Part of the County of Clackmannan, and the

tions of Logie, to be considered as Part of County of Clackmannan, and Perthshire Portions of Fossoway and Muckhart as Part of County of Kinross.

the Perthshire Portions of the Parishes of Fossoway and Muckhart shall be considered as forming Part of the County of Kinross: Provided always, that if the Heritors and Ratepayers of the Perthshire Portion of the Parish of Logie shall, within Six Months after the passing of this Act, at a Meeting specially called by public Advertisement, upon the Requisition of not fewer than Five of their Number, to consider the Provisions of this Act, resolve that it is expedient that such Portion of the Parish shall be connected with the County of Perth, then such Portion of the Parish shall be connected with such County for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of Fossoway and Muckhart shall, at a Meeting called in like Manner upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that the Perthshire Portions of such Parishes shall be connected with the County of Perth, then they shall be connected with such County accordingly for the Purposes of this Act.

Clause A h. Burghs not having a Police Establishment may adopt One within Six Months.

LXXII. It shall be lawful for any Burgh which may not, at the passing of this Act, have a Police Act or an Establishment of Police under the said recited Acts of Third and Fourth of King William the Fourth, Chapter Forty-six, or of the Thirteenth and Fourteenth of Her Majesty, Chapter Thirty-three, to establish a Police therein, under the Provisions of the said recited Acts or either of them, within Six Months after the passing of this Act; and in the event of such an Establishment of Police being therein adopted within the said Period, such Burgh shall not be deemed, for the Purposes of this Act, to form Part of the County within which it is situated.

Interpretation Clause.

LXXIII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall exclude or be repugnant to such Construction; (that is to say,) the Word "County" shall include Stewartry, and shall extend to all Harbours, Bays, Lochs, or Anchorages within the County or Stewartry, and also all Burghs and Places within the County or Stewartry, not being a Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of the recited Act of the Third and Fourth of King William the Fourth (Chapter Forty-six), or of the recited Act of the Thirteenth and Fourteenth of Her Majesty (Chapter Thirty-three); the Word "Burgh" shall mean a Royal or Parliamentary or other Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of one or other of the Two last-mentioned Acts; the Expression "Landward Part of a County" shall include and apply to a County, exclusive of the Burghs situated therein; the Word "Sheriff," and the

Words

Words "the Sheriff," shall include Sheriff Substitute as well as Sheriff; the Expression "Lands and Heritages" shall have the like Signification as in the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one); the Expression "Commissioners of Supply," or "Commissioners of Supply of the County," shall mean the Commissioners of Supply of the County, exclusive of any Burgh or detached Part of any other County adjoining or locally situated within the same, and inclusive of any detached Part of such first-mentioned County locally situated in any other County; the Word "Constable" shall include "Chief Constable" and "Superintendent of Police," and every Grade of Constable or Police Officer; the Words "Clerk of Supply" shall extend and apply to any Person executing the Duties of Clerk of Supply, or who may be appointed by the Commissioners of Supply to be Clerk of Supply for the Purposes of this Act; the Words "Sheriff Clerk" shall extend to and apply to any Person executing the Duties of Sheriff Clerk; and the Word "Month" shall mean "Calendar Month."

Police (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE].

INTITULED

An Act to render more effectual the Police in Counties and Burghs in Scotland.

(*Brought from the Lords* 13 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 30 *July* 1857.

[Bill 168.]

Under 4 *oz.*

12 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

FOR

The better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

Preamble.

WHEREAS the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (herein-after called "the Commissioners") have executed various Works at or near the East End of the Isle of Portland in the County of Dorset in and towards the Construction of a Breakwater and Harbour of Refuge there, and Vessels belonging to Her Majesty and others already resort to such Harbour: And whereas it is expedient that a better Supply of Water should be provided for the Use of such Vessels, and of certain Establishments, Works, and Places near to or connected with the said Harbour, and for that Purpose that the Commissioners should be empowered to purchase, and take and hold, construct and maintain, the Lands, Waterworks,

Waters, Springs and Streams of Water, Pumps, Engines, Works, Buildings, pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks herein-after mentioned: And whereas the Lands mentioned in the Schedule to this Act belong to Her Majesty, Her Heirs and Successors, and it is expedient that the same be vested in the Commissioners upon the Trusts and for the Purposes herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say:

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Portland Harbour Waterworks Act, 1857."

Incorporation of Acts.

II. The "Lands Clauses Consolidation Act, 1845," save and except the Sections Fifteen, Sixteen, Seventeen, Sixty-seven, Sixty-eight, One hundred and twenty-three, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, and the "The Waterworks Clauses Act, 1847," save and except the Sections thereof with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, and the Sections thereof with respect to Mines, and the Sections thereof with respect to the breaking up of Streets for the Purpose of laying Pipes, and the Sections thereof with respect to the Supply of Water to be furnished by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Inhabitants, and the Sections thereof with respect to the Payment and Recovery of the Water Rates (saving as Part of this Act Section Seventy-four), and the Sections thereof with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and save and except Sections Eleven, Fifteen, Eighty-six, Ninety, Ninety-one, Ninety-two, and Ninety-three, shall, so far as the same may be applicable to and are not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation of Words and Phrases.

III. In the Construction of this Act and of the Acts herewith incorporated, so far as the same respectively relate to the Purposes of this

this Act, unless there be something in the Context repugnant to such Construction; "the Portland Harbour" shall mean the Harbour and Works constructed and to be constructed under the Provisions of an Act, Chapter Twenty-four, of the Acts passed in the Tenth Year of the Reign of Her present Majesty; "the Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of Great Britain and Ireland; "the Commissioners" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times "the Lord High Admiral for the Time being;" "Special Act" in the several Acts herewith incorporated shall mean this Act; "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure; and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Words "the Promoters of the Undertaking," in the Lands Clauses Consolidation Act, 1845, and the Word "Company," in the same Act, shall respectively mean "the Commissioners;" "the Undertakers," in the Waterworks Clauses Act, 1847, shall mean "the Commissioners;" "the Undertaking," in the same Act, shall mean the Purposes of this Act, so far as the same relate to the obtaining and supplying of Water; and "Water Rate," in Section Seventy-four of the Waterworks Clauses Act, 1847, shall mean the Money agreed to be paid to the Commissioners by any Person for a Supply of Water.

Power to construct Works.

IV. And whereas Plans and Sections showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also of certain Lands, Water, Springs, and Streams, in or through or by means of which the proposed Waterworks are intended to be made or to pass, or which are required for the Purpose of the said proposed Waterworks, have been deposited with the Clerk of the Peace for the County of Dorset: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions in this and the said incorporated Acts contained, to take and use the said existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also the said Lands, and Water, and Springs and Streams, and to lay down and make and from Time to Time maintain the said proposed Waterworks, with all necessary Reservoirs and other Works, in the

Line, and in, through, and upon the Lands, Roads, Highways, Bridges, and Railways respectively delineated upon the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use, for the Purpose of laying down and maintaining, and to lay down and maintain, from Time to Time, a Main or other Pipe, and Mains or other Pipes, and other Apparatus, necessary for the Purposes of this Act, upon, along, across, or under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans and such of the Lands situate on either Side of any such Roads, Highways, Bridges, and Railways respectively, and comprised within the Limits of Deviation herein-after mentioned, as shall be required for the Purposes of the Undertaking, and to acquire and take any Easement, Liberty, Privilege, Power, or Authority in or over any of the same Lands, Roads, Highways, Bridges, and Railways respectively, and the Right of laying down and maintaining a Main or other Pipe, and Mains or other Pipes, upon, across, or under any Lands in the said Plans and Book of Reference mentioned, or upon, across, or under any such Roads, Highways, Bridges, and Railways, or Lands lying on either Side thereof, as the Commissioners may think fit.

Power to deviate.

V. In executing the said Works the Commissioners may deviate from the Plans and Sections thereof shown on the said deposited Plans and Sections to the Extent of the Limits of Deviation also shown on the same Plans and Sections.

Power to supply Water on Terms agreed upon.

VI. It shall be lawful for the Commissioners to supply Water for the Purposes of the Vessels frequenting the said Harbour, and for any such other Purpose as they shall think fit, either gratuitously or for such Price or Sum, and upon such Terms and Conditions, as shall be agreed upon between the Commissioners and the Persons having such Supply of Water.

Instead of Bond required by 8 Vict. c. 18., Commissioners may give Undertaking.

VII. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Lands Clauses Consolidation Act, 1845, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition of such Bond to be done and performed, and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections would have had.

Costs of Arbitration when Com-

VIII. When, under the Provisions of Section Fifty-nine of the Lands Clauses Consolidation Act, 1845, Compensation shall have been

been determined by a Surveyor, and the Question of such Compensation shall afterwards be submitted to Arbitration, if a greater Sum than that determined by the Surveyor shall be awarded, the Expenses of and incident to such Arbitration shall be borne by the Commissioners; and if the Sum awarded shall be less than the Sum determined by the Surveyor, then the Costs of and incident to such Arbitration shall be borne by the Owner, and shall be ordered to be and shall be repaid to the Commissioners out of the Amount deposited in the Bank; and if the said Sum be insufficient, the Amount of the Deficiency may be recovered by the Commissioners from the Owner in any Court of Record in an Action of Debt: and if the Sum awarded shall be the same as determined by the Surveyor, then the Commissioners and the Owner shall respectively bear and pay their own Costs, and One Half of the Expenses of the Arbitration.

pensation settled by Surveyor.

IX. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned and comprised in the said Plans and Book of Reference shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken or agreed to be purchased or taken as to such as shall hereafter be purchased or taken under the Provisions of this Act.

Powers to apply to Purchases already made.

X. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

Notices by Commissioners.

XI. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty by being left at or transmitted through the Post to the Admiralty at Whitehall.

Notices to Commissioners.

XII. The Lands mentioned in the Schedule to this Act shall immediately on *the passing of this Act* become and be vested in the Commissioners according to the Natures and Qualities thereof respectively, and to the Estates and Interests of Her Majesty therein respectively, and without its being necessary to have or take any Conveyance thereof.

Lands mentioned in Schedule to vest in Commissioners.

XIII. The Commissioners shall hold all Lands vested or purchased or taken, in or by them, under the Authority of this Act, in trust for Her Majesty, Her Heirs and Successors, for the Purposes of the Portland Harbour and other the Purposes of this Act.

Commissioners to hold Lands in trust for Her Majesty, &c.

Commissioners may sell Lands.

XIV. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or taken under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary.

Lands obtained in Exchange to vest in Commissioners.

XV. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts and with the like Powers in all respects as are hereby declared as to Lands hereby vested and authorized to be purchased or acquired.

Monies received on Sale to be paid to Paymaster General.

XVI. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, or conveyed under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates.

XVII. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Conveyances, &c. to be exempt from Stamp Duty.

XVIII. All Conveyances, Assurances, Agreements, Receipts for Money, and other Documents whatsoever, made or given under or in pursuance of this Act, shall be exempt from all Stamp Duties.

XIX. All

XIX. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being. Powers to be executed by Two Commissioners or by Lord High Admiral.

XX. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Suits or other Proceedings were vested immediately in Her Majesty, Her Heirs and Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Actions, Suits, or other Proceedings. Saving all Rights of Her Majesty.

XXI. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law or in Equity, or otherwise instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in, under, or by reason of any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid. Protection of Commissioners personally.

SCHEDULE to the foregoing Act.

LANDS IN THE ISLE OF PORTLAND.

All that Portion of Pasture Land, formerly Part of Portland Common, known by the Names of "East Wears" and "Verne," bounded on the North and East by the Beach or Sea Shore between the Village of Castletown and a Point commonly called or known by the Name of "Red Bricks," lying Six hundred and twenty Yards South of Folly Pier, on the South by a Line drawn West (by Compass) from Red Bricks aforesaid to the East Cliff near "Grove Point," and on the West by the Line of the East Cliff by the Railway leading from the "Weycroft" Quarries to Castletown Quay, and by a certain Piece of Land (containing Twelve Acres or thereabouts) lying on the West Side of the Verne, and held by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues on behalf of the Crown.

Also all that other Portion of the said Pasture Land bounded on the East by the Railway near Castletown, on the South by a certain Piece of Land (containing Forty-four Acres or thereabouts) held by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues on behalf of the Crown, and on the North-west by the Road leading from the Village of Chesiltown to Castletown aforesaid:

Also all that other Portion of the said Pasture Land bounded on the South-east by the Road leading from Chesiltown to Castletown aforesaid, on the North-west by the Gardens adjoining "Victoria Lodge" and by Portland Mere, and on the North-east by a Piece of Pasture Land lying to the Westward of Portland Castle:

Also all that other Portion of the said Pasture Land consisting of the "Two Spits" or Points lying on the North-east Side of Portland Mere, which said Spits or Points are bounded by High-water Mark on the North-east and South-west Sides thereof, by the Boundary Wall of Portland Castle on the South-east, and by the Road leading from Portland to Weymouth on the North-west:

All of which Portions of Pasture Land herein-before described contain Three hundred and forty-eight Acres or thereabouts:

Also,

Also all the Quarry Grounds and Arable Land bounded on the South by the Convict Prison and by the Road leading from the said Convict Prison to the Village of Easton, on the West by the said Road by a Piece of Land called "Middle Field," Part of the "Crown Farm," and by Old Quarry Workings called "Weycrofts," on the North by "Under Weycrofts" and by a Railway leading to the East Cliff, and on the East by the East Cliff aforesaid, which said Quarry Grounds and Arable Land contain Eighty Acres and Two Roods or thereabouts:

Also all that Land occupied by the Railway, Inclined Planes, Depôt, Roadway, and Breakwater Works, bounded on the East and West by the East Wears aforesaid, on the South by the Quarry Grounds aforesaid, and on the North by the Sea Shore, containing Twenty-nine Acres or thereabouts:

Also all the Land occupied by Prison Buildings, Gardens, and Reservoirs, bounded on the South by the East Wears and East Cliff aforesaid, on the West by Land belonging to the Representatives of the late William Heath and by the aforesaid Road leading from the Convict Prison to the Village of Easton, on the North by the Quarry Grounds and by the East Wears aforesaid, and on the East by the Beach or Sea Shore, and containing Twenty Acres One Rood or thereabouts:

Also all the Land on the Verne, lately within the Line of the Redoubt, bounded on the South and West by the Pasture Land first herein described, and on the North and East by the East Cliff aforesaid, and containing Four Acres or thereabouts:

Also all that Pasture Land adjoining Portland Castle bounded on the South-east by the Road leading from Chesiltown to Castletown, on the South-west by the Pasture Land first herein described, on the North-west by Portland Mere, and on the North-east by the Boundary Wall of Portland Castle, and containing Two Acres or thereabouts:

Also all the Area within the Mere between High and Low Water Marks, bounded on all Sides by High-water Mark of Spring Tides, and containing Sixty-one Acres and Two Roods or thereabouts:

Also all One Portion of the Area between High and Low Water Marks along the Shore, bounded on the South-east by the Boundary Wall of Portland Castle, on the South-west by the "Spits" adjoining Portland Mere, herein-before described, on the North-west by a Line

drawn North-east (by Compass) from the Northernmost Boundary Stone of Portland Mere, and on the North-east by Low-water Mark of Spring Tides:

And also the remaining Portions of the Area between High and Low Water Marks along the Shore, bounded on the North-west by a Line drawn North-east (by Compass) from the Easternmost Boundary Stone at the Village of Castletown, on the East by Low-water Mark of Spring Tides, on the West by the Pasture Land first herein described, and on the South by a Line drawn East (by Compass) from a Point on the Sea Shore Six hundred and twenty Yards South of Folly Pier, which said Portions contain Forty-three Acres and Two Roods or thereabouts:

Also the Site of the Portland Harbour Breakwaters and other Works, together with so much of the Area of the said Harbour as is bounded on the South by the Inner Breakwater, on the South-west by the Line of Shore lying between the Breakwater Works and the Village of Castletown, on the North-west by a Line drawn North-east (by Compass) for a Length of Six hundred and thirty Yards from the Shore, starting from the South-east Angle of the present Quay at Castletown aforesaid, and on the North-east by a Line drawn from the Easternmost Extremity of the last-named Line to a Point on the Inner Breakwater Two hundred Yards distant from the Shore, which Area contains Eighty-five Acres or thereabouts.

Portland Harbour.

A

BILL

For the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

(*Prepared and brought in by Mr. Osborne and Sir Robert Peel.*)

Ordered, by The House of Commons, *to be Printed*, 12 *May* 1857.

[Bill 9.]

Under 2 oz.

22 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

Preamble.

WHEREAS the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (herein-after called "the Commissioners") have executed various Works at or near the East End of the Isle of Portland in the County of Dorset in and towards the Construction of a Breakwater and Harbour of Refuge there, and Vessels belonging to Her Majesty and others already resort to such Harbour: And whereas it is expedient that a better Supply of Water should be provided for the Use of such Vessels, and of certain Establishments, Works, and Places near to or connected with the said Harbour, and for that Purpose that the Commissioners should be empowered to purchase, and take and hold, construct and maintain, the Lands, Waterworks, Waters, Springs and Streams of Water, Pumps, Engines, Works, Buildings, pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks

herein-after mentioned: And whereas it is expedient and Her Majesty is graciously pleased to consent that certain Lands belonging to Her Majesty in the said Isle of Portland, and containing about Five hundred and ninety Acres, should be vested in the Commissioners upon the Trusts and for the Purposes herein-after mentioned: And whereas a Plan of such Lands hath been prepared in Duplicate, and on such Plan the same Lands are described by the Colour Red, and such Plan having been signed by the Secretary of the Admiralty and the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, One Part thereof hath been deposited at the Admiralty, and the other Part thereof hath been deposited at the Office of the Land Revenue Records and Inrolments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say:

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Portland Harbour Waterworks Act, 1857."

Incorporation of Acts.

II. The "Lands Clauses Consolidation Act, 1845," save and except the Sections Fifteen, Sixteen, Seventeen, Sixty-seven, Sixty-eight, One hundred and twenty-three, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, and the "The Waterworks Clauses Act, 1847," save and except the Sections thereof with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, and the Sections thereof with respect to Mines, and the Sections thereof with respect to the breaking up of Streets for the Purpose of laying Pipes, and the Sections thereof with respect to the Supply of Water to be furnished by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Inhabitants, and the Sections thereof with respect to the Payment and Recovery of the Water Rates (saving as Part of this Act Section Seventy-four), and the Sections thereof with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and save and except Sections Eleven, Fifteen, Eighty-six, Ninety, Ninety-one, Ninety-two, and Ninety-three, shall, so far as the

the same may be applicable to and are not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation of Words and Phrases.

III. In the Construction of this Act and of the Acts herewith incorporated, so far as the same respectively relate to the Purposes of this Act, unless there be something in the Context repugnant to such Construction; "the Portland Harbour" shall mean the Harbour and Works constructed and to be constructed under the Provisions of an Act, Chapter Twenty-four, of the Acts passed in the Tenth Year of the Reign of Her present Majesty; "the Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of Great Britain and Ireland; "the Commissioners" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times "the Lord High Admiral for the Time being;" "Special Act" in the several Acts herewith incorporated shall mean this Act; "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure; and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Words "the Promoters of the Undertaking," in the Lands Clauses Consolidation Act, 1845, and the Word "Company," in the same Act, shall respectively mean "the Commissioners;" "the Undertakers," in the Waterworks Clauses Act, 1847, shall mean "the Commissioners;" "the Undertaking," in the same Act, shall mean the Purposes of this Act, so far as the same relate to the obtaining and supplying of Water; and "Water Rate," in Section Seventy-four of the Waterworks Clauses Act, 1847, shall mean the Money agreed to be paid to the Commissioners by any Person for a Supply of Water.

Power to construct Works.

IV. And whereas Plans and Sections showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also of certain Lands, Water, Springs, and Streams, in or through or by means of which the proposed Waterworks are intended to be made or to pass, or which are required for the Purpose of the said proposed Waterworks, have been deposited with the Clerk of the Peace for the County of Dorset: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions in this and the said incorporated Acts contained, to

take and use the said existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also the said Lands, and Water, and Springs and Streams, and to lay down and make and from Time to Time maintain the said proposed Waterworks, with all necessary Reservoirs and other Works, in the Line, and in, through, and upon the Lands, Roads, Highways, Bridges, and Railways respectively delineated upon the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use, for the Purpose of laying down and maintaining, and to lay down and maintain, from Time to Time, a Main or other Pipe, and Mains or other Pipes, and other Apparatus, necessary for the Purposes of this Act, upon, along, across, or under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans and such of the Lands situate on either Side of any such Roads, Highways, Bridges, and Railways respectively, and comprised within the Limits of Deviation herein-after mentioned, as shall be required for the Purposes of the Undertaking, and to acquire and take any Easement, Liberty, Privilege, Power, or Authority in or over any of the same Lands, Roads, Highways, Bridges, and Railways respectively, and the Right of laying down and maintaining a Main or other Pipe, and Mains or other Pipes, upon, across, or under any Lands in the said Plans and Book of Reference mentioned, or upon, across, or under any such Roads, Highways, Bridges, and Railways, or Lands lying on either Side thereof, as the Commissioners may think fit.

Power to deviate.

V. In executing the said Works the Commissioners may deviate from the said deposited Plans to the Extent of the Limits of Deviation shown on the same Plans.

Power to supply Water on Terms agreed upon.

VI. It shall be lawful for the Commissioners to supply Water for the Purposes of the Vessels frequenting the said Harbour, and for any such other Purpose as they shall think fit, either gratuitously or for such Price or Sum, and upon such Terms and Conditions, as shall be agreed upon between the Commissioners and the Persons having such Supply of Water.

Instead of Bond required by 8 Vict. c. 18., Commissioners may give Undertaking.

VII. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Lands Clauses Consolidation Act, 1845, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition of such Bond to be done and performed, and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections would have had.

VIII. When,

Costs of Arbitration when Compensation settled by Surveyor.

VIII. When, under the Provisions of Section Fifty-nine of the Lands Clauses Consolidation Act, 1845, Compensation shall have been determined by a Surveyor, and the Question of such Compensation shall afterwards be submitted to Arbitration, if a greater Sum than that determined by the Surveyor shall be awarded, the Expenses of and incident to such Arbitration shall be borne by the Commissioners; and if the Sum awarded shall be less than the Sum determined by the Surveyor, then the Costs of and incident to such Arbitration shall be borne by the Owner, and shall be ordered to be and shall be repaid to the Commissioners out of the Amount deposited in the Bank; and if the said Sum be insufficient, the Amount of the Deficiency may be recovered by the Commissioners from the Owner in any Court of Record in an Action of Debt; and if the Sum awarded shall be the same as determined by the Surveyor, then the Commissioners and the Owner shall respectively bear and pay their own Costs, and One Half of the Expenses of the Arbitration.

Powers to apply to Purchases already made.

IX. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned and comprised in the said Plans and Book of Reference shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken or agreed to be purchased or taken as to such as shall hereafter be purchased or taken under the Provisions of this Act.

Notices by Commissioners.

X. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

Notices to Commissioners.

XI. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty by being left at or transmitted through the Post to the Admiralty at Whitehall.

Lands mentioned in Schedule to vest in Commissioners.

XII. The Lands in and adjacent to the Isle of Portland coloured Red on the Plan signed and deposited at the Admiralty, and at the Office of Land Revenue Records and Inrolments, and containing Five hundred and ninety Acres or thereabouts, shall immediately on the passing of this Act become and be vested in the Commissioners according to the Natures and Qualities thereof respectively, and to the Estates and Interests of Her Majesty therein respectively, and without its being necessary to have or take any Conveyance thereof.

Commissioners to hold Lands in trust for Her Majesty, &c.

XIII. The Commissioners shall hold all Lands vested or purchased or taken, in or by them, under the Authority of this Act, in trust for Her Majesty, Her Heirs and Successors, for the Purposes of the Portland Harbour and other the Purposes of this Act.

Commissioners may sell Lands.

XIV. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or taken under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary: Provided always, that no Part of the Lands coloured Red on the said Plan shall be sold or leased for any Term exceeding Five Years by the Commissioners, until after One Calendar Month's Notice in Writing under the Hand of their Secretary shall have been given to the Commissioners of Woods, Forests, and Land Revenues of the Intention of the Commissioners to sell or demise the same; and that in case any such Notice shall be given, it shall be lawful for the Commissioners of Woods, Forests, and Land Revenues, on behalf of Her Majesty, Her Heirs and Successors, from Time to Time to purchase the Lands described in any such Notice for such Sum of Money as, having regard to the Consideration received by Her Majesty for the Surrender of the Lands delineated on the said Plan mentioned in the Twelfth Section of this Act, in accordance with an Award of James White Higgins dated the Twenty-fifth Day of January One thousand eight hundred and fifty, and entered in the Office of the Commissioners of Woods, shall represent the proportionate Part of the Consideration so received which, in the Opinion of some competent Surveyor to be appointed by the Commissioners of Her Majesty's Treasury, may be applicable to the particular Lands described in any such Notice as aforesaid, if the Commissioners of Woods, Forests, and Land Revenues, or One of them, do, previously to the Expiration of such One Calendar Month's Notice, signify in Writing to the Commissioners that the Commissioners of Woods, Forests, and Land Revenues intend to purchase such particular Lands.

Lands obtained in Exchange to vest in Commissioners.

XV. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts and with the like Powers in all respects as are hereby declared as to Lands hereby vested and authorized to be purchased or acquired.

XVI. The

Monies received on Sale to be paid to Paymaster General.

XVI. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, or conveyed under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates.

XVII. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Powers to be executed by Two Commissioners or by Lord High Admiral.

XVIII. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving all Rights of Her Majesty.

XIX. Nothing herein contained shall prejudice or affect the Estate, Right, Title, or Interest of the Queen's Majesty in or to the Soil of Portland Harbour, other than so much thereof as forms the Sites of the Breakwaters which are by this Act vested in the Commissioners, or in or to any Lands of or to which Her Majesty is now seised or entitled, other than those coloured Red on the Plan so signed and deposited as aforesaid, and which are by this Act vested in the Commissioners; and nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and

enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Suits or other Proceedings were vested immediately in Her Majesty, Her Heirs and Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Actions, Suits, or other Proceedings.

Protection of Commissioners personally.

XX. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law or in Equity, or otherwise instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in, under, or by reason of any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

Portland Harbour.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

(*Prepared and brought in by Mr. Osborne and Sir Robert Peel.*)

Ordered, by The House of Commons, *to be Printed*, 22 *May* 1857.

[Bill 27.]

Under 2 oz.

25 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal.

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, having taken into consideration Your Majesty's most gracious Message that Your Majesty has agreed to a Marriage proposed between the Princess Royal and His Royal Highness Prince Frederic William of Prussia, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto Her Royal Highness the Princess Royal, or to such Persons as Her Majesty shall think fit to be named in such Letters Patent, in trust or for the Use of Her said Royal Highness, an Annuity of Eight thousand Pounds, to be settled on Her said Royal Highness for her Life, in such Manner as Her Majesty shall think proper; the said Annuity to commence from the Date of the

Marriage of Her Royal Highness with His Royal Highness Prince Frederic William of Prussia, to be free from all Taxes, Assessments, and Charges, and to be paid quarterly, on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October; the First Payment to be made on such of the said quarterly Days as shall happen next after the said Marriage of such Portion of the Annuity as shall have accrued between the Date of such Marriage and such quarterly Day, and a proportionate Part to be payable for the Period, from the last quarterly Day of Payment to the Day of the Determination thereof; and such Annuity shall be charged on and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, after paying or reserving sufficient to pay such Sums as have been directed to be paid out of the same by former Acts of Parliament, but with Preference to all other Payments which may hereafter be charged upon the said Fund.

Princess Royal's Annuity.

A

BILL

To enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 25 *May* 1857.

[Bill 32.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for further facilitating the Removal of Prisoners.

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Thirty-eight, Section Eleven, His Majesty may order Prisoners to be removed from one Prison to another: And whereas it is expedient to extend the said Power: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to direct the Removal of any Person sentenced to Hard Labour in any Prison in Great Britain from the Prison in which such Person is confined to any Place of Confinement in Great Britain where Persons are employed on Hard Labour on Public Works or otherwise, there to be detained on Hard Labour during the Term for which he is so sentenced to Hard Labour, unless it please Her Majesty to direct him to be again removed to some other Place of Confinement before the Expiration of the said Term. Secretary of State may remove Prisoners sentenced to Hard Labour from one Prison to another in Great Britain or Ireland.

[Bill 169.]

Prison Removal.

A

BILL

INTITULED

An Act for further facilitating the Removal of Prisoners.

(*Brought from the Lords* 30 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 30 *July* 1857.

[Bill 169.]

Under 1 *oz.*